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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, FEBRUARY 5, 2007
10:00 A.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Mr. Jeffrey Danzinger

BOARD MEMBER ALSO PRESENT

Ms. Margo Reid Brown

Mr. Wesley Chesbro

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Bell, Staff

Mr. Michael Bledsoe, Staff Counsel

Mr. Elliot Block, Chief Counsel

Mr. Mark de Bie, Branch Manager, Permitting & Inspection
Branch

Mr. Mitch Delmage, Manager, Tire Management Branch

Ms. Donnell Duclo, Executive Assistant

Ms. Tara Gauthier, Staff

Ms. Suzanne Hambleton, Supervisor, Permitting and
Inspection

Ms. Maria Kakutani, Staff

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Deputy Director, Permitting &
Enforcement Division

Mr. Bill Marciniak, Staff

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Ms. Cathleen Oliver, Staff

Mr. Michael Payan, Staff

Mr. Darryl Petker, Staff

Mr. Ed Reidhead, Staff

Mr. Steve Sorelle, Supervisor, Office of Local Assistance

Ms. Geri Stryker, Supervisor, Permitting and Inspection
Branch

Ms. Lorrain Van Kekerix, Acting Deputy Director,
Diversion, Planning & Local Assistance Division

Mr. Michael Wochnick, Supervisor, Closure & Technical
Services Section

ALSO PRESENT

Mr. Glenn Acosta, L.A. County Sanitation Districts

Mr. Martin Aiyetwa, Los Angeles County Department of
Public Works

Mr. Bruce Belluschi, Unincorporated Ventura County

Mr. Dave Edwards, Sunshine Canyon

Ms. Nancy Ewert, Kern County Waste Management Department,
SWANA Legislative Task Force

Mr. Michael Hammer, Looney Bins

Mr. Michael Huls, Huls and Associates

Mr. George Larson, Waste Management

Mr. Mike Mohajer

Mr. Michael O'Grady, City of Cerritos, Environmental
Services Manager

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the February 5th meeting of the Permitting and
4 Compliance Committee. We have agendas on the side back
5 table. And if you would like to speak to an item, there's
6 also some speaker slips that we'd like for you to fill out
7 and bring up to Donnell here in the front. And also I'd
8 like to remind everybody to either turn off or put in the
9 silent mode your pagers and cell phones.

10 And with that, Donnell, would you please call the
11 roll?

12 EXECUTIVE ASSISTANT DUCLO: Members Danzinger?

13 COMMITTEE MEMBER DANZINGER: Here.

14 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

15 CHAIRPERSON MULÉ: Here.

16 And also I'd like to welcome Board Member
17 Chesbro. Thank you for being here today.

18 And also I'd like to welcome and introduce to you
19 those who you don't know Jeff Danzinger's advisor, Matt
20 Cox. And Matt's right here. And please give him a warm
21 welcome. And if you have a chance, say hello to him.

22 Jeff, do you have anything you'd like to say?

23 COMMITTEE MEMBER DANZINGER: Not without cracking
24 up, no.

25 CHAIRPERSON MULÉ: Okay. We do have several

1 Solid Waste Facility Permits on our agenda today. We have
2 a total of six. So I just wanted to go over basically the
3 parameters under which we operate here at the Waste Board
4 and in concurring with a solid waste facilities permit.

5 Basically to paraphrase the statute, the Board
6 can only object to a landfill permit if it is not
7 consistent with State Minimum Standards and CEQA financial
8 responsibility requirements, financial assurance
9 requirements, and conformance finding requirements. So
10 any testimony related to the matters that are not within
11 our jurisdiction or issues other than the proposed permits
12 that are not actually relevant to the decision that is
13 before us today, issues such as air and water issues. So
14 I would respectfully request that everyone keep your
15 comments limited to those issues under the Board's
16 authority in terms of the permits that we're considering
17 today.

18 With that also, Donnell, could you please for ex
19 partes. Do you have any ex partes, Jeff?

20 COMMITTEE MEMBER DANZINGER: I'm up to date.

21 CHAIRPERSON MULÉ: I just have two. I briefly
22 spoke to George Eowan and Pat Schiavo and Mr. Michael
23 Huls.

24 So with that, let's proceed to the Deputy
25 Director's report. Howard.

1 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
2 Chair. And good morning, Member Danzinger and Member
3 Chesbro. I'm Howard Levenson, Deputy Director for
4 Permitting and Enforcement.

5 I have four items I'd like to give you brief
6 updates on as part of the first Deputy Director's report
7 for the morning covering the permitting and enforcement
8 side of things.

9 First of all, as you know, the Board authorized a
10 study on financial assurances at landfills beyond to look
11 at the issue of what happens beyond 30 years. The Request
12 for Proposals for the study will be advertised this week,
13 hopefully today in the contracts register. In addition to
14 the register, notices will also be sent to individuals
15 that we know have an interest in the contract or in
16 bidding on the contract. Proposals will be due by
17 mid-March, and staff then expects to return to the Board
18 with our recommendation for award of the contract in
19 either April or May.

20 Second, I wanted to alert you to yet another
21 proposed rule from another regional agency that will
22 impact at least some aspect of facilities and interests
23 that the Board has. And this is the South Coast Air
24 Quality Management District proposed rule on engine
25 emissions. They are developing a proposed rule 1110.2 on

1 emissions from gaseous and liquid-fueled engines.

2 You might wonder why I'm bothering to mention
3 that here. But the connection is the rule could affect
4 the types of engines that are required in landfill
5 gas-to-energy systems, and according to industry
6 representatives, result in some systems being shut down
7 and the collected gas being flared instead of being
8 converted to electricity. So we are preparing some
9 initial comments on that proposed rule. We'll continue to
10 monitor it and keep you apprised of how that rulemaking
11 ensues.

12 Third, to let you know that we have a number of
13 classes, LEA and operator training classes, that are
14 ongoing over the last month and into the next couple of
15 months. Two in particular, two series of classes. One is
16 planning for informational meetings. This is an
17 interactive one-day class that's intended to familiarize
18 attendees with the requirements for public notices and
19 informational meetings that were mandated by AB 1497. And
20 the Board adopted regulations on these requirements last
21 year. We have submitted the package for final approval to
22 the Office of Administrative Law and are simply awaiting
23 that final approval before they become effective. So
24 we've gone ahead and started a series of -- I think it's
25 six or eight classes around the state to provide that

1 information to LEAs and operators.

2 We have a second series of classes on load
3 checking, which provides information on the implementation
4 of hazardous and prohibited waste load checking programs
5 that includes several successful studies from both LEAs
6 and operators, including the Riverside County program that
7 you heard about in November I believe at the Board
8 meeting. So we will be gathering information from those
9 trainings. They are designed to facilitate discussion
10 about problems and potential solutions or improvements to
11 the load checking programs. And we'll be able to bring
12 that back to you at some later date.

13 And, lastly, I just wanted to mention that staff
14 was able to attend the 15th Annual U.S. Composting Council
15 Conference in Orlando last month. Our staff provided
16 presentations and input on green material, composting
17 emissions testing, use of compost by Caltrans along
18 California highways, and regulatory requirements for food
19 waste composters in California. There was a lot of
20 discussion about various rulemakings in different states,
21 including whether our composting regulations adequately
22 cover food waste and anaerobic digestion. And that's
23 something we've been aware of and know we need to work on.

24 There were several presentations by European and
25 Japanese researchers on how they are optimizing processes

1 in anaerobic digestion operations. So we have more
2 information along those lines and contacts and be happy to
3 provide that to you if you would like more details on
4 that.

5 With that, I'll close my Deputy Director's
6 report. I'd be happy to answer any questions.

7 CHAIRPERSON MULÉ: Thank you, Howard.

8 Do we have any questions? Thank you.

9 Okay. Let's get into the agenda. Our first item
10 is Committee Item B.

11 DEPUTY DIRECTOR LEVENSON: This item is
12 Consideration of New Full Solid Waste Facilities Permit
13 for Looney Bins Downtown Diversion in the City of Los
14 Angeles.

15 Both this and the next item will be presented by
16 Suzanne Hambleton, who I should mention is helping out in
17 her transition. She has taken over Mindy Fox's prior
18 position as Supervisor of the LEA Training and Outreach
19 Programs, but still is doing double-duty on these kinds of
20 permits as we get through this transition.

21 CHAIRPERSON MULÉ: Thank you for doing
22 double-duty. And congratulations.

23 SUPERVISOR HAMBLETON: Thank you. Good morning.

24 This facility is currently operating -- did you
25 introduce this facility? I can't remember. This is the

1 Looney Bins. Okay.

2 The facility is currently operating with a
3 temporary registration permit. It's located on 15 acres
4 in an area zoned for heavy industry in the city of L.A.
5 The facility receives source separated and mixed loads of
6 construction, demolition, and inert debris, otherwise
7 known as CDI, from residential and commercial customers.

8 The proposed permit will allow the expansion of
9 the daily CDI intake to 1500 tons per day, with a 10,500
10 tons per week maximum and a 2,000 ton per day allowance
11 for 15 times per year with prior approval from the LEA.

12 The facility will accept, process, and transfer
13 materials 24 hours per day, seven days per week. The
14 permitted vehicle volume will be 400 vehicles per day.

15 The LEA conducted an informational meeting, and
16 no one from the public attended. The meeting was July 13,
17 2003, at 5 p.m.

18 Board staff have reviewed the proposed permit and
19 supporting documentation and have determined that all the
20 requirements for the proposed permit have been fulfilled.

21 Therefore, staff recommends concurrence in the
22 issuance of the proposed permit and adoption of Resolution
23 2007-16.

24 Mr. Dave Thompson representing the LEA and Mike
25 Hammer representing the operator are in the audience.

1 And this concludes Board staff's presentation.

2 CHAIRPERSON MULÉ: Thank you, Suzanne.

3 Do we have any questions?

4 COMMITTEE MEMBER DANZINGER: I just had a quick
5 comment. I'm happy to see that that tonnage limit issue
6 has been resolved. We need to grow our C&D diversion
7 infrastructure, so this is a good thing.

8 One question. I was just curious, what kind of
9 diversion rate -- I couldn't find the diversion rate for
10 the C&D diversion facility.

11 MR. HAMMER: Seventy-five.

12 SUPERVISOR HAMBLETON: That was Mr. Hammer.

13 COMMITTEE MEMBER DANZINGER: Thanks, Mr. Hammer.
14 That's great. Thank you.

15 CHAIRPERSON MULÉ: And would either the LEA or
16 the operator like to come up and make any comments? Thank
17 you both for coming up today and being here.

18 Good morning.

19 MR. HAMMER: Good morning. Mike Hammer with
20 Looney Bins.

21 Just briefly, I just wanted to say thank you
22 again to the Waste Board, because we built that facility
23 with a \$2 million loan under the RMDZ Program. And the
24 facility would not have been possible without it. And I'm
25 glad the permitting journey is coming to a close. Thank

1 you.

2 CHAIRPERSON MULÉ: Thank you.

3 Any other questions or comments?

4 Okay. Do I have a motion?

5 COMMITTEE MEMBER DANZINGER: Yeah. I'll move

6 adoption of Resolution 2007-16.

7 CHAIRPERSON MULÉ: I'll second that.

8 Donnell, would you please call the roll?

9 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

10 COMMITTEE MEMBER DANZINGER: Aye.

11 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

12 CHAIRPERSON MULÉ: Aye.

13 Okay. That we can put on our consent agenda.

14 Thank you. Thank you again for being here.

15 Suzanne, Item C. Thank you.

16 SUPERVISOR HAMBLETON: Item C is Consideration of

17 a Revised Full Solid Waste Facility Permit for the Robert

18 A. Nelson Transfer Station.

19 The transfer station is located in the Agua Mansa

20 Industrial Park in western Riverside County. The proposed

21 permit provision allows an increase in hours; an increase

22 in the total acreage from 12.5 to 23 acres; an increase in

23 permitted tonnage to 4,000 tons per day; and allow the

24 inclusion of the adjacent green waste/wood waste

25 operation.

1 On November 28th, 2006, at 6 p.m., the County of
2 Riverside LEA conducted a public hearing. No one from the
3 public did attend the hearing.

4 Board staff have reviewed the proposed permit and
5 supporting documentation and have determined that all the
6 requirements have been fulfilled. Staff recommends
7 concurrence in the issuance of a proposed permit and
8 adoption of Resolution 2007-17.

9 Ms. Alice Beasley and Mandy Gaito are present
10 representing the LEA. And Mr. Chuck Tobin is here
11 representing the operator, Burrtec Waste Industries.

12 This concludes staff's presentation.

13 CHAIRPERSON MULÉ: Thank you, Suzanne.

14 Do we have any questions on this one?

15 COMMITTEE MEMBER DANZINGER: I have no questions.

16 CHAIRPERSON MULÉ: And I notice the operator and
17 the LEA are here today. Thank you all for making the trip
18 up here to Sacramento.

19 Would anybody like to address the Committee,
20 either the operator or the LEA? No. Okay.

21 COMMITTEE MEMBER DANZINGER: I'll move adoption
22 of Resolution 2007-17.

23 CHAIRPERSON MULÉ: I will second that.

24 We can substitute the previous roll and put that
25 one on consent as well.

1 Okay. Our third item is Committee Item D.

2 DEPUTY DIRECTOR LEVENSON: This item is
3 Consideration of a New Full Solid Waste Facilities Permit
4 for Pena's Disposal, Inc., Transfer Station and Material
5 Recovery Facility in Tulare County. And Geri Stryker to
6 my left here will be giving this presentation.

7 CHAIRPERSON MULÉ: Good morning, Geri.

8 SUPERVISOR STRYKER: Morning. Hi. Good morning,
9 Committee Chair and Committee member.

10 Pena's Disposal, Incorporated's, current
11 operation consist of two activities. One is a medium
12 volume construction, demolition, and inert debris
13 processing facility under a registration permit. And the
14 other is a limited volume compostable materials handling
15 operation under an LEA notification. Pena's Disposal,
16 Incorporated, is owned and operated by Gabriel and Arthur
17 Pena. The facility primarily serves the nearby town of
18 Dinuba and Tulare County.

19 The proposed permit will allow the incorporation
20 of current activities at the site and further develop
21 operation of the facility as follows. They would develop
22 a large volume transfer and processing facility on the
23 12.3 acre parcel; change permitted hours of operation as
24 shown in the agenda document; allow a permitted maximum
25 tonnage of 500 tons per day; and change the permitted

1 traffic volume to 318 vehicles per day.

2 As you may have noticed when the agenda item was
3 written, staff indicated that a pre-permit inspection had
4 not been completed. Board staff asked the LEA to conduct
5 an additional inspection and provide us with specific
6 findings along with the photos. As a result of that
7 inspection, no State Minimum Standard violations were
8 found. Based on the previous LEA inspections and the
9 additional inspection conducted on January 25th, 2007,
10 Board staff finds the facility to be in compliance with
11 State Minimum Standards and will revise the agenda item
12 prior to the Board meeting to reflect this.

13 Board staff have determined that all requirements
14 for the proposed permit have been fulfilled. And in
15 conclusion, staff recommends that the Board adopt Board
16 Resolution Number 2007 -- that the Committee recommend the
17 Board adopt Resolution Number 2007-18 concurring in the
18 issuance of the Solid Waste Facility Permit Number
19 54-AA-0034.

20 This concludes staff's presentation.

21 Gabriel and Arthur Pena from the Pena Disposal
22 Facility and Keith Jahnke, the LEA from Tulare County,
23 will be available for questions. And I will be happy to
24 answer any questions as well.

25 CHAIRPERSON MULÉ: Thank you, Geri.

1 Do we have any questions on this?

2 Board Member Danzinger.

3 COMMITTEE MEMBER DANZINGER: No. I mean, just,
4 you know, a comment on the 1497 aspect. I mean, it wasn't
5 technically required on this, which is a loophole that
6 will soon be fixed. But the activities within this permit
7 were the subject of prior not too long ago public hearing.
8 So I'm happy to see the public was given every opportunity
9 to address specific activities that are going to be going
10 on and no problems there. So thanks.

11 CHAIRPERSON MULÉ: Okay. Would either the
12 operator or the LEA like to address the Committee here
13 today?

14 Okay. Well, thank you all for being here today.

15 And with that, do I have a motion?

16 COMMITTEE MEMBER DANZINGER: I'll move adoption
17 of Resolution 2007-18.

18 CHAIRPERSON MULÉ: I will second that. And we'll
19 substitute the previous roll.

20 And now, Elliot, can we put this on consent since
21 there's going to be some changes made to the agenda item
22 that will go to the Board? Or should we just forward it
23 to the full Board with the changes as revised?

24 STAFF COUNSEL BLOCK: You can forward this.

25 COMMITTEE MEMBER DANZINGER: Move it again as

1 revised.

2 CHAIRPERSON MULÉ: So we'll amend the motion.

3 COMMITTEE MEMBER DANZINGER: Let me just make a
4 new motion to adopt Resolution 2007-19 --

5 CHAIRPERSON MULÉ: Eighteen.

6 COMMITTEE MEMBER DANZINGER: Eighteen revised.

7 CHAIRPERSON MULÉ: And I'll second that. We'll
8 put that on consent -- substitute the previous roll. Put
9 it on consent. And it will go to the full Board on
10 consent as revised.

11 CHAIRPERSON MULÉ: Okay. Our next item, Howard,
12 is Committee Item E.

13 DEPUTY DIRECTOR LEVENSON: And just regarding the
14 prior item, we will make those revisions today and get
15 them posted in BAWDS as soon as we can.

16 CHAIRPERSON MULÉ: Thank you.

17 DEPUTY DIRECTOR LEVENSON: Item E is
18 Consideration of a Revised Full Solid Waste Facilities
19 Permit for the Sonoma Transfer Station in Sonoma County.
20 This will be presented by Teri Wion of our staff.

21 MS. WION: Good morning. The item before you
22 considers the revision of the September 2001 solid waste
23 facility permit for the Sonoma Transfer Station. The
24 facility is owned and operated by the Sonoma County
25 Department of Transportation and Public Works. The

1 revised proposed permit will increase the hours of
2 operation from 5:30 a.m. to 6 p.m. to 24 hours per day,
3 seven days a week, to allow for processing, compacting,
4 loading transfer trailers and out hauling solid waste from
5 the facility.

6 Board staff have reviewed the proposed permit and
7 supporting documentation and have determined that all the
8 requirements for the proposed permit have been fulfilled.

9 On November 14, 2006, Board staff performed a
10 pre-permit inspection of the facility and no violations
11 were noted. Therefore, Board staff recommends concurrence
12 in the issuance of the proposed permit and adoption of
13 Resolution 2007-19.

14 This concludes staff's presentation.

15 Ms. Christine Sosko representing the LEA and Mr.
16 Ken Wells, the operator, are present to answer any
17 questions you may have.

18 CHAIRPERSON MULÉ: Thank you.

19 Okay. Do we have any questions on this one?

20 Does either the operator or the LEA want to
21 make -- would you like to make a comment or anything?
22 I've been out to your facility, and I understand your
23 situation.

24 With that, do I have a motion?

25 COMMITTEE MEMBER DANZINGER: I'll move adoption

1 of Resolution 2007-19.

2 CHAIRPERSON MULÉ: And I'll second that. And we
3 can substitute the previous roll and that one will go on
4 consent as well.

5 Okay. Our next item is Committee Item F.

6 DEPUTY DIRECTOR LEVENSON: Item F is
7 Consideration of a Revised Full Solid Waste Facilities
8 Permit for Imperial Solid Waste Site in Imperial County.
9 And Kitty Oliver will make that presentation.

10 MS. OLIVER: Good morning, Chairman Mulé and
11 members of the Committee.

12 The proposed permit will allow the following: An
13 increase of tonnage from 130 tons per day to 207 tons per
14 day; increase in vehicles from 50 vehicles per day to 150
15 vehicles. This change will result in an estimated closure
16 date changing from 2022 to 2015.

17 Also, we have a few changes to our agenda item
18 that I'd like to point out. There was a typographical
19 error on page 5 under the community outreach section. The
20 final sentence should have read Item 17 P, not Item R.
21 That has already been changed in the agenda item.

22 We also inadvertently pulled some incomplete
23 language for the financial assurance and operating
24 liability section. On page 5, bullet 4, this section will
25 read when the change is put in today:

1 "The Imperial County Public Works Department
2 maintains an acceptable enterprise fund, pledge
3 of revenue agreement, and certificate of
4 liability insurance for closure/postclosure
5 maintenance and operating liability coverage as
6 the financial assurance demonstrations for all
7 the county facilities. This financial assurance
8 demonstration meets the requirements identified
9 in Title 27 of the California Code of
10 Regulations, Division 2, Subdivision 1, Chapter
11 6, Sections 22241 and 22245 and 22251
12 respectively. Based on the capacity and fund
13 balance information provided by the operator, the
14 financial assurance demonstrations for closure of
15 the facility is also adequately funded at this
16 time."

17 As I said, this change will be incorporated into
18 the agenda item and will be there for the Board meeting.

19 Board staff has reviewed the proposed permit and
20 the supporting documentation and has determined that all
21 requirements for the proposed permit have been met and
22 fulfilled. Therefore, Board staff recommends concurrence
23 in the issuance of the proposed permit and adoption of the
24 Resolution Number 2007-13.

25 This concludes staff's presentation.

1 Jeff Lamoure of the Imperial County LEA and
2 Mr. William Brunet representing the operator are also
3 present to answer any questions you may have.

4 CHAIRPERSON MULÉ: Thank you very much.

5 Do we have any questions? Member Danzinger?

6 COMMITTEE MEMBER DANZINGER: I know this is a
7 small facility. So correct me if I'm reading this wrong.
8 It says that -- on page 5-3, the 69.16 acre landfill
9 consists of an active unlined 18-acre disposal area. So
10 this is where the increased tonnage will be deposited?

11 MS. OLIVER: Yes.

12 COMMITTEE MEMBER DANZINGER: So we're being asked
13 to approved an increase in the tonnage -- I know this is
14 not an issue -- concurrence/nonconcurrence issue, but
15 we're being asked to approve an increase in tonnage in an
16 unlined cell.

17 MS. OLIVER: Yes.

18 DEPUTY DIRECTOR LEVENSON: Mr. Danzinger, we can
19 certainly ask the operator or the LEA to provide more
20 information.

21 This is an old landfill, pre-Subtitle D landfill,
22 so it's not subject to quite the same kinds of
23 requirements. But it also has been vetted by the Regional
24 Water Board for that disposal on the unlined area.

25 COMMITTEE MEMBER DANZINGER: Okay. And maybe the

1 operator would have to answer this one. But on the
2 broader issue of the -- well, let me hold off that
3 question.

4 Just one other question regarding this
5 particular. Then on page 5-5 it says there were no
6 potentially significant impacts. And this was on the
7 tonnage and the traffic. Any impacts that might have
8 existed were mitigated by design features of the proposed
9 expansion. I was just wondering if somebody would
10 elaborate on what those features are.

11 MR. BRUNET: William Brunet, Director of Public
12 Works for Imperial County.

13 Your first question as to increasing the tonnage,
14 we are trying to provide services to the citizens of
15 Imperial County, because we're closing other landfills and
16 we're trying to give them a place to deposit their waste.
17 We have a tremendous illegal dumping problem in that
18 county, so we tried to provide additional days of
19 operation to allow the citizens to bring their solid
20 waste.

21 COMMITTEE MEMBER DANZINGER: Right. And I'm with
22 you on that.

23 The design features to mitigate the impacts,
24 although they're not going to be a lot, because it's very
25 little waste with a little bit more waste. But I'm just

1 curious what kind of design features you put in place to
2 mitigate that.

3 MR. BRUNET: We're going to keep the same
4 concurrent operation, but we emphasize that we get daily
5 cover over our solid waste to prevent the deposition of
6 litter into outlying areas.

7 COMMITTEE MEMBER DANZINGER: Did any of the
8 measures address -- because it seems to me the more
9 significant impact may be the traffic because it's
10 tripling.

11 MR. BRUNET: Yes.

12 COMMITTEE MEMBER DANZINGER: What --

13 MR. BRUNET: We had our public hearing. And one
14 of the concerns was the waste blowing on public roads.
15 And we've added an item in the permit to have the people
16 bringing in their loads to be covered. If the loads are
17 not covered, we will turn them away. We are going to
18 start a public relations program to inform the people now
19 that by a certain date they have to have covered loads or
20 they will not be allowed to dump in the waste site.

21 COMMITTEE MEMBER DANZINGER: That's great.
22 Thanks. I do notice all of this is going to move up the
23 closure date to 2015. What's the capacity situation in
24 Imperial County overall? I mean, are you all solid on
25 your 15 years?

1 MR. BRUNET: Yeah. We have several other
2 landfills that are going to be closing in the next few
3 years. We have one particular landfill in the northern
4 part of the county that has the ability to be expanded,
5 plus also the private side is in the process of expanding
6 their landfill.

7 COMMITTEE MEMBER DANZINGER: Okay. Thanks.

8 CHAIRPERSON MULÉ: Thank you. I do have a
9 question for you, Mr. Brunet. On page 3 of the item, it
10 talks about because you're under 100 tons a day, you don't
11 require -- you know, you don't have a scale at the site.
12 And you're just getting weight tickets. So I was just
13 wondering, what are your plans to install a scale? Are
14 you going to wait until you think you're at 100 tons, or
15 is that something that you're going to install sooner than
16 later?

17 MR. BRUNET: Well, we're going to increase the
18 operations from two days to six days a week. And if we
19 start approaching the 100 tons, I'm saying I would say 75
20 tons where we start looking at the possibility of
21 installing a scale there.

22 CHAIRPERSON MULÉ: So then are you currently
23 getting copies of all the weight tickets then so you have
24 a better idea of what's going into the landfill?

25 MR. BRUNET: Yes. If any commercial haulers come

1 into the landfill, they have to have a weight ticket.

2 Right now, small private individuals, the loads are just
3 estimated.

4 CHAIRPERSON MULÉ: Okay. And in your estimation,
5 what's the breakdown between the commercial and the
6 self-haul?

7 MR. BRUNET: Currently, it's mostly I would say
8 75 to 80 percent private.

9 CHAIRPERSON MULÉ: Self-haul?

10 MR. BRUNET: Self-haul.

11 CHAIRPERSON MULÉ: And, again, I'm trying to put
12 my arms around it. So there is room for a variance, if
13 you will, in the tonnage, because the majority of tons
14 that are coming in are coming in from small self-haulers?
15 Is that correct?

16 MR. BRUNET: Correct. The issue has really been
17 our car count. We've had to close the landfill early
18 because we reached the limit of vehicles that we are
19 allowed to deposit waste. It's not really a tonnage
20 issue. It's a vehicle count.

21 CHAIRPERSON MULÉ: So your plans though are to
22 install the scale as soon as you feel it's appropriate?

23 MR. BRUNET: Correct.

24 CHAIRPERSON MULÉ: Okay. Thank you for being
25 here.

1 MR. BRUNET: Thank you.

2 CHAIRPERSON MULÉ: And do we have any other
3 questions? No.

4 With that, do I have a motion?

5 COMMITTEE MEMBER DANZINGER: Yeah. I'll move
6 adoption of Resolution 2007-13.

7 CHAIRPERSON MULÉ: I'll second that.

8 We can substitute the previous roll. And we will
9 put that one on consent agenda.

10 We have Item 6 here. I'm thinking maybe we might
11 want to take up the other items. I'm just looking around
12 the room here. Is taking Item 7 through 13 -- or 7
13 through 12 at the very least. Let's go through those
14 rather quickly. I know Lorraine is not here. And then we
15 can -- she's probably on her way down.

16 Jim, why don't you come up and -- is that okay?

17 DEPUTY DIRECTOR LEVENSON: That's absolutely
18 fine. So you would be going to Item I, Board Item 8, and
19 then take up Sunshine Canyon.

20 CHAIRPERSON MULÉ: We can do 8 through 12, then
21 6, 7, 13.

22 DEPUTY DIRECTOR LEVENSON: Very good.

23 CHAIRPERSON MULÉ: We're going to go 13 right
24 now. I'm sorry. Right. We'll do 13 now, 8 through 12,
25 and then 6 and 7.

1 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

2 Good morning, Committee members. My name is Jim Lee,
3 Deputy Director for the Special Waste Division.

4 COMMITTEE MEMBER DANZINGER: Jim, could you
5 re-introduce yourself by your number?

6 DEPUTY DIRECTOR LEE: I'll be presenting
7 Committee Item N, Board Item 13. That's Consideration of
8 Scope of Work for Agreement with the California Highway
9 Patrol to Conduct Enhanced Enforcement, Security
10 Assistance, Education, Training, Investigative Assistance,
11 and Surveillance for the Waste Tire Compliance Program.

12 Staff and stakeholders have expressed on many
13 occasions and the Board has endorsed the need to have a
14 strong enforcement program to minimize the potential for
15 illegal waste disposal. A key component of our integrated
16 waste tire enforcement efforts is our contractual
17 relationship with the California Highway Patrol. Staff is
18 proposing the continuation of our relationship with the
19 CHP to provide targeted enforcement training,
20 surveillance, and security.

21 Our relationship with the CHP is continuing to
22 evolve as we work to utilize it to its fullest potential.
23 To supplement information which has been set forth in the
24 agenda item, we will share with you this morning
25 information on past and proposed allocations and

1 expenditures in this program, as well as a proposed budget
2 by task. We will also provide some performance metrics to
3 aid in your evaluation of staff's proposal.

4 I also want to note that we are proposing one
5 revision to Item 2(a)(4) of the Scope of Work to reflect
6 some reconsideration of this provision. If it meets with
7 the Committee's approval, this revision to the Scope of
8 Work and any of the other supplemental information
9 discussed with the Committee this morning will be included
10 in a formal revision to the agenda item to be made
11 available for the Board meeting.

12 With that overview, I'll now ask Darryl Petker
13 and Mitch Delmage to make the remainder of the staff
14 presentation.

15 (Thereupon an overhead presentation was
16 presented as follows.)

17 MR. PETKER: Thank you, Jim. My name is Darryl
18 Petker. I'll be presenting this today, Madam Chair,
19 members. Get right into the presentation here as we go
20 along.

21 --o0o--

22 MR. PETKER: I don't have the clicker. Excuse me
23 just a second.

24 --o0o--

25 MR. PETKER: Back to the beginning. Want to talk

1 a little bit about this today. Couple things I'd like to
2 point out is you should have this, and I believe there's
3 some on the back table, some additional information that
4 we did not have ready to be put out. It's basically four
5 pages of information that I'll talk about as we go. I'll
6 highlight it before I get going so you have this for
7 reference though.

8 The first page is basically an estimated budget
9 for the contract that we're looking for. And the
10 following pages are what has been spent in the past and
11 some performance that has been completed by the earlier
12 contracts.

13 This is the fourth agreement that we will have
14 with the CHP spanning about eight years now. This
15 agreement will provide flexibility and resources in an
16 integrated approach for the use of the CHP and other
17 programs here at the Board. And I'll get into some of
18 these as we go.

19 --o0o--

20 MR. PETKER: An overall agreement as I discussed,
21 this will be the fourth agreement. The amount we're
22 seeking if you approve is \$350,000. The services that
23 will be applied will be for training of law enforcement
24 officers and tire inspectors. That's both ours and the
25 grantees. There will be aerial support and surveillance

1 involved, investigative and process serving checkpoints,
2 both stationary and roving throughout the state and along
3 the border, security standby for incidents where security
4 is needed for our inspector or for cleanups, and equipment
5 purchases as deemed necessary.

6 The process has evolved and has developed into a
7 very supportive and interactive relationship. Numerous
8 services have been provided, and the scope of services has
9 increased and will increase as needs arise. We're finding
10 that it also needs to be fluid, that when we did the last
11 contract, the issues along the border were not as high
12 profile as they are now. So we're using a lot of the
13 funds. Because of the fluidity and the flexibility of
14 this contract, we're able to move resources into that
15 aspect.

16 --o0o--

17 MR. PETKER: A little highlight of how the
18 interaction of this contract works with other aspects here
19 at the Board. So if you would, we'll take the CHP
20 contract that we have right now or hopefully will have in
21 agreement.

22 And then currently we also have a Waste Tire
23 Border Study that's ongoing with San Diego State, who's
24 looking at the issues of economic and environmental
25 concerns along the border.

1 We have the ARB support contract and agreement
2 where they provide overt and covert surveillance for us
3 around the state, maintain our equipment, and purchase it
4 for us. And then the second phase of the satellite
5 surveillance contract going in all of these in support of
6 waste tire issues here for the Special Waste Division.

7 So I talked about how the CHP agreement will work
8 with the border study, for instance. Right now, we have a
9 lot of the CHP roaming and doing checkpoints to gather
10 data to support the border study as well as enforcement
11 options with the LEAs. Can't go into a lot of detail, but
12 recently we had a very successful operation where the CHP
13 on their own found some activities and are now in the
14 process of doing further investigation, which may end up
15 being environmental crimes.

16 Then we have the satellite surveillance and CHP.
17 Satellite will go out, use the technology to locate
18 landfills. After we do some research, we'll use their
19 aerial support to go out and confirm or disprove some of
20 the sites that the satellite is finding.

21 Then we have the ARB support and the CHP that can
22 be used to limit the amount of time that CHP has to be at
23 a site by having surveillance cameras out there and we can
24 just select data. The ARB also will support the Waste
25 Tire Border Study. It will also support the satellite

1 study. And these are pretty much all interactive, as well
2 as the Waste Tire Border Study and the satellite. We
3 recently ordered and are now evaluating 900 square miles
4 along the border for the waste tire. The CHP agreement
5 also helps with the tire grantees and Legal.

6 --o0o--

7 MR. PETKER: Assistance provided. I talked about
8 this briefly, and I just kind of want to highlight it.
9 These are typical things we do. The CHP with the
10 direction of the Board will provide roadside checks of
11 suspected tire dealers or haulers and both roving and
12 stationary.

13 --o0o--

14 MR. PETKER: Other assistance provided is
15 training. We're really ramping up on the training we do.
16 We try to make this interactive as well as a networking
17 opportunity so that the grantees, our inspectors, and
18 local law enforcement as well as CHP from southern
19 California as an example. They all get together. They
20 can all talk, and then talk later on hopefully.

21 We're looking at some one-day training so all --
22 train the trainers, so all trainees can go out and train
23 others. An extensive three-day training with Office of
24 Emergency Services at their training facility in southern
25 California -- or in central California.

1 --o0o--

2 MR. PETKER: The current contract talks about
3 border issues, haulers and dealers and illegal dumping.
4 Talked about the training and the aerial surveillance.
5 And new to this, which seems to be very effective, is the
6 process serving which Legal is using now. We're finding
7 it to be timesaving I believe.

8 --o0o--

9 MR. PETKER: Future activities: Continuation of
10 all the things we're doing. And we're looking at
11 enhancement of the training. We found the training to be
12 pretty supportive. And if you wish, I can give you
13 examples of how that's worked out. But I'll wait until
14 you ask. And an expansion of the investigative support
15 functions as well as the process service.

16 --o0o--

17 MR. PETKER: Now a little bit about the breakdown
18 of the 350 that we're asking for in this upcoming
19 agreement. And these are estimates, please, and it's
20 based on some experience and what we think we'll have.
21 Now that estimate is broken down in this piece of paper
22 that I gave you and showed you up front.

23 But basically it's 122,000 for checkpoints;
24 95,000 for aerial, training, support, as you can see
25 investigative support, security or miscellaneous. And

1 these are not set in stone, so they can be moved back and
2 forth as the need would arise.

3 --o0o--

4 MR. PETKER: CHP contract history, as I said,
5 this is the fourth one. The first one, which was kind of
6 a learning phase, as well as the second one. As you can
7 see what the numbers are, there was 200 allotted, of which
8 70 was used. The second one was 400, of which 122 was
9 used. And the current one, which is 04-05 was set at 375
10 of which we have either paid or have bills outstanding at
11 125. And I'm estimating at our current rate and ask for
12 assistance another 170, for a total of about 295, in that
13 area.

14 So if you'll notice, there's been an increase in
15 the spendage on this, and we're also bringing down the
16 funds we're asking for on this.

17 --o0o--

18 MR. PETKER: The recommendations are to accept
19 the Resolution as is; approve the Scope of Work with
20 changes, and we already know that there's some suggested
21 changes that you'd like on that; or direct us to go back
22 and work on it further.

23 --o0o--

24 MR. PETKER: So with that, if there's any
25 questions -- and also here I have with the CHP my

1 counterpart of the CHP for contract is Jim McNiel, who
2 would be happy to answer any questions if you have them.
3 Thank you.

4 CHAIRPERSON MULÉ: Great. Thank you. I think we
5 have some questions. Board Member Chesbro.

6 BOARD MEMBER CHESBRO: Yes. Could you elaborate
7 a little bit on the border work, exactly what that
8 consists of.

9 MR. PETKER: Certainly. I don't know if I can
10 go -- do I need to go back or just --

11 BOARD MEMBER CHESBRO: Just describe what the
12 objective is and --

13 MR. PETKER: The CHP on the border is two
14 purposes. One is to do the enforcement options as we have
15 already. And two is to help and assist the current Waste
16 Tire Border Study that is being conducted by San Diego
17 State University. They were directed to look at the
18 environmental and economic impacts of tires that go from
19 Mexico to Mexico and what damage they cause -- I'm sorry.
20 From California to Mexico. I'm talking ahead of myself
21 here. I know what I'm trying to say. Sorry. But from
22 California to Mexico. Part of that is there is a big
23 build-up of tires in Mexico that if they ever did catch on
24 fire, the current winds would be such that would blow back
25 and possibly cause damage to some of the agriculture in

1 the Imperial Valley area. So we're looking at that. And
2 we're collecting data with that using one of the aspects
3 of that is the CHP agreement.

4 BOARD MEMBER CHESBRO: What is the state of the
5 law with regards to the tires being disposed of in Mexico?
6 Is there a law that's being enforced by the highway patrol
7 in the process of monitoring?

8 MR. PETKER: We only enforce the California
9 regulations as to who can haul over. They have to be
10 licensed haulers so we can enforce it. We don't stop them
11 from take taking tires over there. Business-wise, if they
12 pick them up here and they're in conformance with
13 California laws and Mexico accepts them, they can take
14 them over there.

15 BOARD MEMBER CHESBRO: So I'm still not clear on
16 what exactly the highway patrol is doing. Are they
17 interdicting the unlicensed hauling of tires? Or what's
18 that objective?

19 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Board
20 Member Chesbro, this is Mitch Delmage, Manager of the Tire
21 Program.

22 One of the objectives of the border flow study is
23 to determine how many illegal tires are crossing the
24 border. We have a pretty good handle on the legal flow of
25 tires, but not such a good handle on the illegal flow.

1 So when the CHP set up checkpoints, they can find
2 tires that are going -- that were intended to go across
3 the border that aren't with registered haulers and
4 therefore would be an illegal flow. And recently they've
5 had one specific case where that's been found and it's
6 been followed up on.

7 BOARD MEMBER CHESBRO: Thank you.

8 CHAIRPERSON MULÉ: Okay. Do we have any other
9 questions?

10 DEPUTY DIRECTOR LEE: Madam Chair, if I might. I
11 want to ask Darryl to elaborate on the changes we're going
12 to make to the Scope of Work provision and again to ask if
13 there's any questions with regard to any of the
14 performance metrics that were provided in the
15 supplementary information.

16 MR. PETKER: The changes we were looking at
17 specifically is in number two of the Scope of Work, and it
18 would be 2, part a, number 4 where we're going to delete
19 and take out "provide travel and per diem for Board
20 staff." We'll receive that under our own work and not out
21 of CHP be paying for our travel and per diem.

22 CHAIRPERSON MULÉ: Right. And that's the only
23 change, 2(a)(4)?

24 MR. PETKER: It's also stated in the specific
25 tasks, and we'll adjust that there also.

1 CHAIRPERSON MULÉ: Okay. Do we have any other
2 questions, Board Member Danzinger?

3 Okay. Do I have a motion then?

4 COMMITTEE MEMBER DANZINGER: Yes. I'll move
5 adoption of Resolution 2007-32.

6 CHAIRPERSON MULÉ: And that will be incorporating
7 the changes to the item, Elliot?

8 STAFF COUNSEL BLOCK: Right. Although this would
9 be on fiscal consent, anyway.

10 CHAIRPERSON MULÉ: Right. Okay. And I will
11 second that. And since this is a fiscal item, we'll call
12 the roll.

13 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

14 COMMITTEE MEMBER DANZINGER: Aye.

15 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

16 CHAIRPERSON MULÉ: Aye.

17 We will put that on fiscal consent. It will go
18 back to the full Board with an abbreviated presentation.

19 Thank you, Darryl. Thank you, Mitch. Thank you,
20 Jim.

21 Okay. Let's go then back to Item 8. And I
22 believe, Lorraine, you're up.

23 DEPUTY DIRECTOR VAN KEKERIX: Good morning, Board
24 members.

25 I have a very brief Deputy Director report, if

1 it's okay, before Item 8. I'd just like to tell you about
2 the biennial review status. The current number of
3 biennial review items for 2003 and 2004 that has been
4 considered by the Board is 278 jurisdictions that have had
5 their biennial reviews approved with good programs. And
6 of those, 253 were above 50 percent diversion and 25
7 percent were below. We have some additional biennial
8 reviews for jurisdictions with good programs and above
9 50 percent diversion that are going to the Executive
10 Director this month as delegated actions. And we expect
11 to bring 27 more jurisdictions to either the Board or the
12 Executive Director for approval over the next several
13 months.

14 And we'll move right to Agenda Item 8. That is
15 consideration of the 2003-04 biennial review findings for
16 the Source Reduction and Recycling Element and Household
17 Hazardous Waste Element for the following jurisdictions.
18 This is good faith effort to implement programs: County
19 of Plumas, City of Portola; County of San Joaquin, City of
20 Manteca.

21 And Steve just reminded me we were doing three
22 items together. So we are also including Agenda Item 9
23 and Agenda Item 10. And unless you want me to read those
24 in, we'll take them as written/published in the agenda.

25 CHAIRPERSON MULÉ: That would be fine. Thank

1 you, Lorraine.

2 Hi, Steve.

3 SUPERVISOR SORELLE: Hi. Good morning. I will
4 be presenting three biennial review items in this one
5 presentation, as indicated. The three agenda items, Item
6 I, J, and K, Board Items 8, 9, and 10, present a total of
7 eight jurisdictions staff believe have shown a good faith
8 effort to implement all feasible and reasonable diversion
9 programs as well as supporting programs to meet the
10 50 percent diversion goal, yet fall below goal.

11 Based on their analysis of available information,
12 Board staff feel these jurisdictions can be found to be in
13 compliance as they fall under Scenario 2 of the CIWMP
14 Enforcement Policy Part 2, which is implementing some or
15 all programs but not meeting diversion requirements.

16 Two of the eight jurisdictions have been grouped
17 together in Agenda Item I, or 8, because the Board
18 approved their 01-02 biennial review results based on
19 their good faith efforts to implement programs to meet the
20 diversion goal. While these jurisdictions have still not
21 met the goal, staff believe they have continued to make
22 all reasonable and feasible efforts to meet the 50 percent
23 goal and are in compliance with diversion program
24 implementation requirements.

25 The two jurisdictions in Agenda Item J, or 9, had

1 met the diversion requirement during the last biennial
2 review, 2001-2002, but have fallen short of the goal in
3 2004. Based on analysis of their program implementation
4 efforts, however, staff believe they have made all
5 reasonable and feasible efforts to meet the 50 percent
6 goal and are in compliance with diversion program
7 implementation requirements.

8 Lastly, the four jurisdictions in Agenda Item K,
9 or Board Item 10, had also been granted Senate Bill 1066
10 time extensions or alternative diversion requirements that
11 ended in either 2003 or 2004. But despite having
12 successfully implemented the program selected in their
13 respective extensions, they have still not achieved the
14 50 percent diversion requirement. Staff again, however,
15 believe that they have made all reasonable and feasible
16 efforts to implement additional diversion programs,
17 including those identified in their respective extension
18 plans to meet the 50 percent diversion goal and are in
19 compliance with diversion program implementation
20 requirements.

21 Two jurisdictions are also claiming biomass
22 diversion credits, and one is claiming transformation
23 diversion credits. And all have submitted the required
24 documentation showing they meet the condition for claiming
25 that credit.

1 To conclude, as a result of staff's evaluation of
2 these jurisdiction program implementation efforts and
3 diversion rates, Board staff is recommending that you
4 recommend approval of the 03-04 biennial review results
5 for all jurisdictions in these items.

6 And Board staff will be following my presentation
7 with brief presentations regarding each jurisdiction in
8 these items.

9 Also we have representatives present today for
10 most of the jurisdictions, and they are ready to answer
11 questions as well.

12 This concludes my presentation. I'm immediately
13 followed by Natalie Lee who will be talking about the city
14 of Portola.

15 CHAIRPERSON MULÉ: Thank you. If we can just
16 keep the presentations very brief, because we just want to
17 get through these. And we want to hear everyone. We want
18 to give everybody an opportunity to speak. So thank you.

19 And also before I forget, I would like to
20 recognize our Board Chair is here. Thank you for being
21 here. I appreciate it.

22 Good morning. Go ahead, Natalie.

23 MS. LEE: Good morning, Chair, Committee member
24 and Board members.

25 Agenda Item 8 includes Consideration of the

1 2003-2004 Biennial Review Findings for the City of
2 Portola.

3 In the interest of time, I'm going to shorten
4 this. Portola is one of the smallest jurisdictions in the
5 state, encompassing an area of only two square miles.
6 Their population is only 2,242 people. They are the only
7 incorporated city within Plumas County, which again is
8 only 21,000 people.

9 Portola's diversion rates have varied
10 significantly in the last three biennial review cycles.
11 This has been for a variety of reasons. Most significant
12 at this point in time has been a significant change in the
13 infrastructure of waste handling within the city. The
14 City's landfill did close in late 2002. They have
15 recently changed since that time -- excuse me -- changed
16 to a new hauler and a new facility. They are hauling
17 waste out of state to Lockwood Landfill.

18 Despite the variation in disposal measurement,
19 they have implemented a number of programs, including
20 mandatory collection of waste for residents and
21 businesses, curbside collection of recyclables, drop-off
22 and buy-back opportunities, on-site collection of
23 cardboard and newsprint, and local drop-offs available for
24 inert materials, green waste, and metals.

25 Despite the change in the variation in diversion

1 rate, the City has recently discovered a prior significant
2 understatement of disposal. They have not had time to
3 react to this new information, and staff recognize that
4 although this has recently come to light and affected the
5 diversion rates before you today, City staff is committed
6 to addressing this new information in the immediate
7 future.

8 Jim Murphy, the City Manager from the City of
9 Portola, and Tom Valentino, the City's consultant, are
10 both here to answer any questions. They have also
11 provided the handout that was just distributed to you
12 which will give you more detail on the achievements and
13 the challenges of the City.

14 And this concludes my presentation.

15 CHAIRPERSON MULÉ: Okay. Thank you.

16 Do we have any questions?

17 Great job of explaining their situation. I think
18 we all questioned the low diversion rate. But thank you
19 for clarifying that for us.

20 Okay. We can move on then -- or actually on this
21 one, there's no questions.

22 COMMITTEE MEMBER DANZINGER: Right. I'll move
23 adoption of Resolution 2007-25.

24 CHAIRPERSON MULÉ: I will second that.

25 Donnell, would you call the roll?

1 EXECUTIVE ASSISTANT DUCLO: Danzinger?

2 COMMITTEE MEMBER DANZINGER: Aye.

3 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

4 CHAIRPERSON MULÉ: Aye.

5 That passes unanimously. We will put that one on
6 consent.

7 Item 9, Board Agenda Item 9, Committee Item J.

8 SUPERVISOR SORELLE: I just want to introduce to
9 the Committee that Michael Payan, our staff person who's
10 presenting, is relatively new, and this is his first
11 presentation to the Board.

12 CHAIRPERSON MULÉ: Welcome. No pressure here.

13 MR. PAYAN: No pressure. Thank you very much.

14 Good morning, Chair Mulé and Board members.

15 Point Arena is a rural jurisdiction and has a
16 population of 484 residents, making it one of the smaller
17 incorporated cities in California.

18 The city faces many challenges, including its
19 remote location. A change of 2.3 tons of disposal effect
20 the City's diversion rate by one percent, making accurate
21 diversion calculations very difficult.

22 Programs that have been implemented include
23 grasscycling by residents, schools, and parks, and public
24 works, backyard and on-site composting and mulching. Many
25 residents compost food and yard waste.

1 Residential drop-off; the Point Arena Pier
2 Recycling Center is located at the harbor and provides for
3 commingled recycling for residences and businesses.
4 Residential curbside is commingled recycling. The
5 customers are given a free 90-gallon recycling container
6 and a 30-gallon container for garbage. This is a variable
7 can rate for additional garbage containers. There is an
8 initial can rate.

9 Commercial on-site pickup is available to all
10 businesses and is provided with three- to four-yard bins
11 for paper and cardboard recycling. And self-haulers have
12 free drop off for an array of materials at the local
13 transfer station. And the city also recycles paper,
14 cardboard, and CRV materials.

15 As a result of staff's evaluation of the
16 jurisdiction's program implementation efforts, Board staff
17 is recommending approval of the finding of good faith
18 effort for the 03-04 biennial review.

19 This concludes my presentation.

20 CHAIRPERSON MULÉ: Great job. Thank you.

21 Do we have any questions? Board Member Chesbro.

22 BOARD MEMBER CHESBRO: Yeah. Well, I think the
23 fluctuation in the numbers demonstrate how difficult it is
24 with a really small -- a few factors, maybe even one
25 factor, can really cause a dramatic jump.

1 Maybe you said it and I missed it. But do we
2 know what the factor or factors were that had caused the
3 fluctuations in the diversion rate?

4 SUPERVISOR SORELLE: Board Member Chesbro, if I
5 might add. We've been working with the jurisdiction over
6 time. Things that occurred typically there are
7 misallocation of disposal. We're working with them
8 consistently on that. The hauler comes in, picks up Point
9 Arena commercial and residential, moves into southern
10 Mendocino County to pick up the rest, perhaps even a
11 little bit of northern Sonoma. I'm not sure. So we're
12 working with them, have been over time, and we think we're
13 honing in on a better number all the time.

14 In terms of their disposal, we did a generation
15 study in the summer, sent a staff member there -- I think
16 it was September -- to look at their diversion programs,
17 which we find to be quite impressive, and to look at their
18 diversion numbers, if you will. We put that combination
19 together for these diversion rates. We think they may be
20 closer above 50 percent. We still have to hone in on the
21 appropriate disposal and then do a more detailed
22 generation study which they're supporting.

23 BOARD MEMBER CHESBRO: I can't remember whether
24 their entire City staff is two people or three people.
25 And the mayor must works 60 hours a week for ten dollars a

1 month or something. I know they're a very environmentally
2 committed community. But I'm sure a lot of what goes on
3 is voluntary and without a lot of capacity by the City to
4 be able to run programs.

5 SUPERVISOR SORELLE: Absolutely true.

6 MR. PAYAN: The City Recycling Coordinator is
7 also the harbor master at Point Arena.

8 BOARD MEMBER CHESBRO: Isn't that the police
9 chief, too?

10 CHAIRPERSON MULÉ: Okay. Now we've got someone
11 coming up talking about Ventura.

12 DEPUTY DIRECTOR VAN KEKERIX: Right. Tara
13 Gauthier is going to talk about Ventura.

14 CHAIRPERSON MULÉ: Come on up, Tara. Good
15 morning.

16 MS. GAUTHIER: Good morning, Chair Mulé and
17 Committee member.

18 Ventura County has maintained an array of waste
19 diversion and supporting programs throughout the years,
20 being among the first to implement curbside residential,
21 multi-family, and commercial recycling. It had recently
22 taken the following steps to increase its waste diversion.

23 The Ventura County Recycle Market Development
24 Zone recruited and sited an agricultural film plastics
25 washing facility, the first of its kind in the U.S., to

1 assist in diverting a large portion of the estimated
2 greater than 3,000 tons of agricultural plastics generated
3 annually from Ventura crops.

4 A newly hired permanent staff person is visiting
5 major industrial, commercial, and agricultural solid waste
6 generators to assist with cost-saving waste management
7 practices.

8 Recently, the Board of Supervisors unanimously
9 approved a construction and demolition ordinance which
10 amends an existing county ordinance.

11 County staff are working to overcome issues of
12 economic incentives at the two local MRFs in order to more
13 completely divert incoming loads and also to receive
14 proper credit for that waste diversion.

15 Using geocoding to verify origins of waste, staff
16 also diligently and proactively worked to correct tonnage
17 misallocations throughout the county.

18 In support of its waste diversion programs,
19 Ventura regularly updates its procurement policy for
20 reusable and recyclable products. The policy sets a ten
21 percent price preference for recycled content paper and
22 also prefers other recycled bio-based and less toxic
23 products, including office products, compost, fuels,
24 re-refined motor oil, and rubberized asphalt.

25 Based on an evaluation of its program

1 implementation, Board staff recommend a good faith effort
2 for unincorporated Ventura County's 2003-2004 biennial
3 review.

4 Bruce Belluschi, Manager of the Ventura County
5 Environmental and Energy Resources Division, would like to
6 answer any questions you may have today.

7 This concludes my presentation.

8 CHAIRPERSON MULÉ: Thank you very much.

9 Do we have any questions?

10 COMMITTEE MEMBER DANZINGER: I just am curious on
11 how much of a factor growth has been here. Because, you
12 know, I mean, if it's dipped below 50 -- because I know
13 like with Riverside and San Bernardino and all that area
14 the growth has been so exponential that you continue to do
15 the programs to the same degree, you can fall behind
16 because of all those other factors. I was curious as to
17 what degree has that played a roll in Ventura
18 unincorporated.

19 MS. GAUTHIER: I believe Bruce Belluschi would
20 like to answer that question.

21 MR. BELLUSCHI: Good morning, Madam Chair,
22 members of the Committee. Thank you for the opportunity
23 to come before you.

24 CHAIRPERSON MULÉ: Would you please state your
25 name for the record?

1 MR. BELLUSCHI: For the record, my name is Bruce
2 Belluschi, representing the unincorporated area of Ventura
3 County.

4 As summarized by Ms. Gauthier, I believe the
5 County of Ventura is striving diligently to accomplish the
6 goals and policy directives of the Waste Board, and we
7 will continue to do so after we achieve our 50 percent
8 waste diversion rate.

9 With respect to your question, it's a good
10 question, because there was a precipitous drop in the
11 diversion rate. What we actually found was it was not
12 necessarily an increase in disposal, but rather a more
13 accurate calculation of what we actually had been
14 generating. There was upwards of 30,000 tons that had
15 been misallocated to other jurisdictions in the county.
16 As soon as we discovered that, we, of course, want to be
17 accurate. And that represented the tremendous decrease in
18 the diversion rate.

19 Since that time, we have invested in very
20 expensive software, about \$10,000 a year, as well as
21 having two to three staff people spend a considerable
22 amount of time using this geocoding software to track
23 tonnage allocations. And it is being very effective and
24 something we must do. And we're going back about a year
25 or so ago. We're looking at about 6,000 per quarter being

1 misallocated to the county. We now had that down. Last
2 year, we dropped from -- '04, it dropped from 6500. Then
3 in '05, it went down to about 4500. And now we're looking
4 at about so far only 76 tons for the first quarter of this
5 year. So the software, albeit expensive and staff time is
6 expensive, it is really paying off. And I think we all
7 want to be accurate. And we certainly want to get above
8 50 percent. We want to be a legitimate 50 percent. I
9 think we're on that path.

10 COMMITTEE MEMBER DANZINGER: Thanks.

11 CHAIRPERSON MULÉ: Okay. Do we have any other
12 questions?

13 With that, can I entertain a motion?

14 COMMITTEE MEMBER DANZINGER: You may. Move to
15 adopt Resolution 2007-26.

16 CHAIRPERSON MULÉ: I'll second that.

17 And we can substitute the previous roll. And
18 thank you for being here. And put that on consent.

19 And then for this group, this will be the last
20 that we'll hear for this group of compliance. And then we
21 will move to Item 6, and then hear 11, 12, and then 7.

22 DEPUTY DIRECTOR VAN KEKERIX: For Agenda Item 10,
23 would you like to hear the staff presentations or just be
24 able to ask questions of the jurisdiction representatives?

25 CHAIRPERSON MULÉ: No. You can do the staff

1 presentation.

2 MS. LEE: The first two jurisdictions in Agenda
3 Item 10 are the cities of Angels Camp and the
4 unincorporated area of Calaveras County, both within
5 Calaveras County. These jurisdictions are presented
6 together, as Calaveras County has operated all programs
7 and completed all reporting for both jurisdictions
8 historically. These jurisdictions did become a regional
9 agency beginning January of 2005.

10 Both of these jurisdictions are the jurisdictions
11 that have submitted claims for biomass credit, and staff
12 has verified the information in those claims is complete
13 and accurate.

14 The primary barriers preventing the county and
15 the city from meeting the 50 percent goal include those
16 typical to rural jurisdictions. In addition, in these
17 areas, there's a high rate of new construction activity.
18 Much of this construction activity is in second homes and
19 vacation properties. Because of the nature of the growth,
20 these indicators are not adequately adjusted in our
21 adjustment factors. The city and county believe this has
22 impacted their diversion rate calculation and have been
23 tracking diversion growth over time separately.

24 The specific diversion programs that the
25 jurisdictions have implemented include the construction of

1 a material recovery facility, which uses a floor sorting
2 for the recovery of materials. In six transfer stations
3 throughout the county, there are extensive and convenient
4 drop-off opportunities for many material types. There's
5 curbside recycling available in a majority of the
6 populated areas. They have expanded facilities to address
7 wood waste/green waste generated within this area and from
8 fire maintenance efforts throughout the county. They are
9 addressing growth through C&D ordinances and through
10 facilities to improve the collection of diverted
11 materials.

12 I will conclude with this. Representatives from
13 the county, Rob Houghton, the Public Works Director, and
14 Lesli Daniel, the Recycling Manager, are here to address
15 your questions.

16 CHAIRPERSON MULÉ: Thank you. Rob and Lesli, I
17 thought I saw you earlier. Thank you for being here.

18 Do you have any questions?

19 COMMITTEE MEMBER DANZINGER: I have no questions.

20 CHAIRPERSON MULÉ: No questions. No questions.
21 Thank you again for being here.

22 Do I have a motion?

23 COMMITTEE MEMBER DANZINGER: Move adoption.

24 MS. LEE: I have one more jurisdiction in this
25 group. Sorry.

1 CHAIRPERSON MULÉ: Oh, Orange.

2 MS. LEE: I actually have Lake County. And
3 another staff person will have Orange.

4 Lake County, very similar circumstances to
5 Calaveras and Angels. They are good faith effort. There
6 is not a biomass claim for this county. This county was
7 on an alternative diversion requirement SB 1066 plan
8 through 2004. Their rates before you today did surpass
9 their approved ADR of 38 percent.

10 The county has numerous programs, including
11 curbside recycling for businesses and residents. They
12 have addressed their mobile home and multi-family
13 communities. They have instituted a landfill surcharge to
14 encourage recycling in self-haul and commercial entities.
15 They have addressed construction and demolition waste and
16 have recently supported the opening of an extensive C&D
17 facility near the landfill. They've employed rate
18 structures and ordinances to support the diversion of
19 materials.

20 Staff were unable to attend today due to a
21 conflict with a training in the area, but I can answer any
22 questions.

23 CHAIRPERSON MULÉ: Thank you.

24 Do we have any questions on Lake County?

25 COMMITTEE MEMBER DANZINGER: Just as briefly as

1 you can, you reference multi-family. What's their
2 multi-family effort?

3 MS. LEE: They provide curbside three-bin
4 recycling to all residents, all commercial entities
5 including multi-family.

6 COMMITTEE MEMBER DANZINGER: Really. Thanks.

7 CHAIRPERSON MULÉ: Okay. Any other questions?

8 Thank you. We'll move on to Orange County then.
9 Thank you.

10 MS. KAKUTANI: Good morning, Chair Mulé and
11 Committee members. My name is Marie Kakutani with OLA.

12 Orange County is an urban area covering 313
13 square miles. Much of the unincorporated area is made up
14 of islands of rural areas and canyons surrounded by
15 incorporated cities. The unincorporated area of Orange
16 County has had many challenges that have had an adverse
17 effect on its diversion rates. One of these challenges is
18 their high self-haul tonnage at the landfills. The county
19 approved a surcharge on self-haul in order to decrease the
20 self-haul tonnage at the landfill and to encourage the
21 materials to go to recycling facilities instead.

22 The Board of Supervisors directed County staff to
23 utilize revenue from the surcharge to be used for new
24 waste diversion programs. The County also amended their
25 existing contracts with their haulers to include recycling

1 and diversion requirements. The County was able to
2 address their C&D issues once the surcharge was in place.
3 The C&D is now directed to recycling facilities since the
4 surcharge significantly increased costs for disposal at
5 the landfill. The County of Orange is also in the process
6 of switching from the voluntary system of C&D recycling
7 reporting to a mandatory C&D reporting system.

8 In addition to these program improvements, major
9 programs for the unincorporated area of Orange County
10 include a residential curbside recycling program. And the
11 County provides four household hazardous waste collection
12 centers for residents throughout the county, as well as
13 the mandatory recycling requirements that have been added
14 to the franchise contracts requiring them to divert or
15 recycle 50 percent of all solid waste collected.

16 Staff recommends that the Board find that the
17 unincorporated area of Orange County has made a good faith
18 effort in meeting their diversion requirements.

19 Chip Monico and Christine Knapp of Orange County
20 are present to answer any questions.

21 This concludes my presentation.

22 CHAIRPERSON MULÉ: Thank you very much, Maria.
23 And I see Christine and Chip in the back. Thank you for
24 being here. I think Maria did a good job of explaining
25 how well the tipping fee surcharge is working in the

1 county. But you're more than welcome to make a comment if
2 you'd like to the Committee. No.

3 Do we have any questions? Board Member
4 Danzinger?

5 COMMITTEE MEMBER DANZINGER: No. I'll move
6 adoption of Resolution 2007-27.

7 CHAIRPERSON MULÉ: I will second that.

8 And we'll substitute the previous roll and put
9 that on consent.

10 Okay. Thank can. Now we're going to switch back
11 to Item 6.

12 DEPUTY DIRECTOR LEVENSON: Madam Chair, if we can
13 have 30 seconds so staff can come on up for this item.

14 CHAIRPERSON MULÉ: Certainly.

15 Howard, you can get started.

16 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
17 Chair. This item is Consideration of a Revised Full Solid
18 Waste Facilities Permit for Sunshine Canyon County
19 Extension Landfill in Los Angeles County.

20 We have kind of a tag-team presentation this
21 morning by staff. We're going to start off with Bill
22 Marciniak who's the staff person in southern California
23 directly responsible for working with the LEA on this and
24 he'll present some of the proposed changes and staff
25 findings.

1 He's then going to turn it over to Mark de Bie
2 who attended the public meeting last Thursday evening to
3 report on that and some other items.

4 And then in response to some of the
5 correspondence that we received late last week, Mike
6 Wochnick, who's one of our engineers and runs the Closure
7 Section, will briefly summarize some of the staff
8 responses to that correspondence and then return back to
9 Bill for the recommendation.

10 CHAIRPERSON MULÉ: Great. Thank you.

11 Good morning, Bill.

12 MR. MARCINIAK: Morning, Madam Chair, Board
13 members.

14 Sunshine Canyon County Extension Landfill is
15 located in unincorporated Los Angeles County. It is owned
16 and operated by Browning-Ferris Industries of California.
17 County extension landfill is adjacent to the Sunshine
18 Canyon City Landfill. The city landfill was issued a
19 Solid Waste Facility Permit in May of 2003 and began
20 operations in July of 2005. This proposed permit concerns
21 only the county landfill and does not allow for a
22 combination of the two.

23 The proposed permit provides the following major
24 changes: An increase in disposal area from 119.5 acres to
25 161.5 which will occur in fill areas designated phase 5,

1 phase 6, and phase 7.

2 Once the Solid Waste Facility Permit is issued,
3 the operator is still required to obtain a written
4 approval from the County Department of Regional Planning
5 prior to placing fill in these areas per permit condition
6 17(b)(9).

7 Refuse acceptance of 6,600 tons per day or 36,000
8 tons per six-day week will continue to be allowed.
9 However, only 3600 tons of exempt materials are allowed in
10 the proposed permit. This results in a maximum daily
11 permit total of 7200 tons or 39,600 tons per week of
12 refuse and exempt materials.

13 The existing Solid Waste Facility Permit allowed
14 for a maximum of 6,600 tons per day of refuse, or 36,000
15 tons per week and a maximum daily total of 9,000 tons per
16 day of refuse plus exempt materials. Therefore, the
17 proposed permit represents a reduction in the exempt
18 materials.

19 There is an increase in total site capacity from
20 23.4 million cubic yards to 37.3 million cubic yards which
21 will provide for a total placement of 25.4 million tons of
22 refuse.

23 The gross remaining capacity of the expanded
24 footprint as of October 19th, 2006, was 17 million cubic
25 yards, or 11.2 million tons of solid waste.

1 There is an increase in the maximum final
2 elevation to 1,904 feet, which includes a four-foot thick
3 cover. The maximum final elevation currently permitted
4 for fill and final cover is 1,885 feet above sea level.

5 There is an extension of the estimated closure
6 date to January 2013. The current estimate of site life
7 was two years as of October 19th 2006.

8 The current permitted hours for disposal
9 operations are from 6 a.m. to 6 p.m. Monday through
10 Saturday. The hours of the proposed Solid Waste Facility
11 Permit for solid waste acceptance would be the same Monday
12 through Friday, but on Saturday, the hours are reduced to
13 7 a.m. to 2 p.m. Saturday hours may be extended to 7 a.m.
14 to 6 p.m. when needed to accommodate post-holiday
15 disposal.

16 The proposed permit prohibits the use of treated
17 auto shredder waste, sewage sludge, contaminated
18 sediments, construction and demolition waste, foundry
19 sands, cement kiln dust, dredge spoils, processed
20 exploration waste, production waste, plume and shredded
21 tires as alternative daily cover, and prohibits the use of
22 contaminated soil for either daily or intermediate cover.

23 The proposed Solid Waste Facility Permit allows
24 the Board of Supervisors to increase the maximum amount of
25 daily and weekly tonnage allowed by the solid waste

1 facility permit if the Board of Supervisors upon joint
2 recommendation of the LEA and the Department of Public
3 Works determines that the increase is necessary to
4 appropriately manage the overall Los Angeles County waste
5 stream for the protection of public health and safety or
6 there is a declared emergency.

7 No more than 313 days of overages may be granted
8 during the term of the CUP or any land use entitlements.
9 Overages required as a result of a declared emergency
10 shall not count toward the 313-day limit.

11 The current Solid Waste Facility Permit requires
12 six random load checks per day. The proposed Solid Waste
13 Facility Permit requires a minimum of six load checks per
14 day with a number increasing by one for every 650 tons of
15 waste disposed beyond 4,000 tons to the maximum permitted
16 6,600 tons of solid waste. At the maximum 6,600 tons per
17 day, there would be at least ten load checks per day.

18 And the proposed permit includes conditions which
19 require the operator provide training to facility
20 personnel on the identification of untreated medical waste
21 and the proper action to take if these materials are
22 received as well as the notification requirements.

23 Now, the LEA has certified the application
24 packages as complete and correct and the reported facility
25 information meets the requirement of the California Code

1 of Regulations. The LEA has also determined this permit
2 revision is consistent with and supported by existing
3 California Environmental Quality Act analysis. Board
4 staff have also reviewed the proposed permit and
5 supporting documentation and found them to be acceptable.

6 Before concluding, I would like to point out the
7 staff have summarized issues raised by some stakeholders
8 in the table on page 11 and 12 of the agenda item and
9 provided staff's overall responses. These include issues
10 such as the proposed design of the final cover, the liner
11 and sites, slope stability, changes in vinyl landfill
12 contours, changes in capacity and site life, adequacy of
13 financial assurances and odor and traffic.

14 The LEA held a meeting for the community on
15 February 1st to inform them of the status of the solid
16 waste facility permit and where the permit was on the
17 review process. Mark de Bie and I attended the meeting
18 and I will pass the presentation to Mark to provide a
19 summary of the concerns discussed at the meeting.

20 BRANCH MANAGER DE BIE: Thank you, Bill. Mark de
21 Bie with Permitting and Inspection Branch.

22 As Bill indicated, he and I as well as other
23 regulatory agency staff attended the public meeting that
24 the LEA conducted at the Van Gogh Elementary School last
25 Thursday. This meeting was scheduled in addition to the

1 1497 public meeting that the LEA had conducted previously.

2 At the meeting, the LEA provided information on
3 the status of the permit process and reviewed the changes
4 in the proposed permit that had been made after the last
5 meeting. The LEA also provided answers to questions that
6 had been asked during the 1497 public meeting.

7 The LEA then took comments from the public. Many
8 commentors indicated that the notice for the meeting was
9 late and that it was not comprehensive. The LEA explained
10 the meeting had been scheduled so that comments could be
11 provided through the LEA to Board staff before the
12 Permitting and Compliance Committee meeting date.

13 Generally, the commentors asked the LEA whether
14 or not the Permitting and Compliance meeting date could be
15 delayed. Specifically, concerns raised during the meeting
16 by the participants including the following:

17 Concerns that the landfill activities have led to
18 reduced water flow in the Bee Canyon Creek, which is
19 leading to an increase in coyotes and mountain lions
20 entering their neighborhood.

21 Concerns that there had not been adequate
22 revegetation of intermediate and final slopes and other
23 areas.

24 Concerns that slope stability analysis is not
25 adequate to show compliance with state standards.

1 Concerns that slopes and landfill liner will not
2 survive an earthquake.

3 Concerns that previous studies on the effect of
4 air emissions on the community had not been adequately
5 conducted, particularly relative to diesel emissions.

6 Concerns about the number of students at the Van
7 Gogh School with allergies and asthma.

8 Concerns that there's not enough emphasis on
9 recycling and the expansion of the landfill will
10 negatively impact future efforts to encourage recycling.

11 Concerns regarding medical and radioactive wastes
12 being deposited in the landfill.

13 Concerns regarding an increase safety danger to
14 bicyclists along San Fernando Road because of the number
15 of trucks utilizing the landfill.

16 Questions regarding landfill height.

17 And questions and concerns about the number of
18 violations issued to the landfill and that no penalties
19 have been levied on the landfill operator.

20 In addition, after the meeting or since the
21 meeting, the LEA has received approximately 27 separate
22 e-mails from the public, most of which restate these same
23 issues.

24 Board staff again attended the meeting, and we've
25 reviewed all the comments. And we have determined that

1 many of them speak to issues that are either not within
2 the regulatory authority of the LEA and Board and have or
3 will be addressed by other regulatory agencies.

4 For the issues within the LEA's and Board's
5 authority, staff find that the staff report addresses many
6 of these issues and that the issues are also addressed in
7 the supporting CEQA documents, the joint technical
8 document, as well as the permit.

9 Mike Wochnick will provide you some information
10 relative to some of the technical aspects. And we
11 understand that the operator will also be making a
12 presentation. Both my comments and perhaps the operator's
13 comments will provide additional details to the issues
14 that were brought up by the community.

15 So I'll pass it to Mike.

16 SUPERVISOR WOCHNICK: Thank you, Mark.

17 Mike Wochnick with the Board's Closure Unit.

18 Just to mention that the Waste Board staff has
19 reviewed the recent submittals by both the operator and
20 the opposition the last few days. The technical parts of
21 the JTD, or the joint technical document, including the
22 slope stability have been reviewed by several agencies.
23 It's been reviewed by Waste Board staff. It's been
24 reviewed by the LEA along with the L.A. County Department
25 of Public Works for the LEA. The Water Board has reviewed

1 and also the Department of Water Resources under contract
2 with the Water Board has reviewed a number of the
3 technical issues including the slope stability. Waste
4 Board staff along with the staff of the other agencies
5 have considered the proposed project to be as described in
6 the JTD to be in compliance with State Minimum Standards.

7 I'll specifically address some of the issues
8 brought forth by the February 1st letter by North Valley
9 Coalition and others. One was about that the twelve-inch
10 vegetation layer is insufficient in stating that four-foot
11 layers are required -- or up to four-foot layers. That
12 comment misapplies the reference to the Desert Research
13 Institute and their water balance cover.

14 A water balance cover is a different type of
15 final cover than the prescriptive cover that the operator
16 is proposing in this case. Prescriptive cover is a
17 layered cover with a foundation layer, a barrier layer,
18 and then a soil or vegetation erosion layer, while a water
19 balance cover is a one mono layer that covered all layers
20 in one. So it's not directly comparable. So under
21 current regulation for prescriptive cover, a twelve-inch
22 erosion vegetation layer is allowed and does meet State
23 Minimum Standards as proposed by the operator.

24 Another issue about postponing studies. Some of
25 the studies that are being postponed, one of them has

1 included some additional stability analysis on temporary
2 slopes that would occur during construction of the liner.
3 Some of these slopes will not be constructed for several
4 years. And at that time, more specific data will be known
5 about those particular slopes when the constructive and
6 whether a budget will or will not be needed during the
7 temporary construction. Once the site is in operation,
8 then the stability would be much better. So these are
9 just very temporary slopes.

10 Another later study is doing what we would
11 normally consider normal QA, QC, quality assurance,
12 quality control. When a design is done, certain
13 assumptions are made as far as the materials used and the
14 properties of those materials. So during construction,
15 you would test the materials you're actually using to make
16 sure they do meet the minimum standards in your design.
17 And that's normal course of business. We require that all
18 the time.

19 And another issue is failure of the final cover.
20 Reviewing the slope stability analysis provided by the
21 operator, depending upon the type of earthquake or damage
22 that may occur to the final cover, is it possible up to 6
23 to 24 inches of deformation or movement may occur in the
24 soil layer of the final cover. That's, you know, the soil
25 layer only. The barrier layer should remain intact and

1 therefore any precipitation that may occur prior to repair
2 of the soil layer would be precluded from reaching into
3 the waste.

4 And also I'd like to mention that when it says up
5 to 6 to 24 inches of movement may occur, that's not all
6 one side going down. It's just that you have accumulation
7 of movements, maybe an inch or two in one location and
8 another inch or two or maybe three inches someplace else
9 where you add all those small movements up to get to the
10 24 inches.

11 And the last thing I want to mention is that
12 what's required at the time of the issuance of the permit
13 are preliminary closure and postclosure maintenance plans,
14 not final plans. Final plans are required two years prior
15 to the final receipt of waste. So preliminary plans
16 contain conceptual designs for the final cover and for
17 postclosure maintenance that have sufficient information
18 that the agencies, in this case the Water Board, the LEA,
19 and the Waste Board, can review it to see that the
20 proposal does meet State Minimum Standards and there's
21 sufficient information that a reasonable cost estimate can
22 be developed so that the operator can then fund that
23 toward his closure date.

24 That concludes my part of the presentation. I'd
25 like to pass it back to Bill who will come with the staff

1 recommendation.

2 MR. MARCINIAK: To finish up staff's
3 presentation, I want to let you know that we received some
4 questions about the gap in pagination on Attachment 5.
5 The reason for this is to save paper. We only included
6 those pages we received for the record with the Statements
7 of Overriding Considerations adopted by the City and
8 County and not the entire text of the document from which
9 they were taken, which explains the jump in page
10 numbering.

11 Also, you may have noticed in the agenda item
12 that on page 6-3 in the proposed capacity and on page 6-5
13 in bullet number two, the word "million" should be
14 deleted.

15 In conclusion, Board staff recommends Option 1,
16 adopt the CEQA findings and Statement of Overriding
17 Considerations adopted by lead agencies and concur in the
18 issuance of the proposed permit as submitted by the LEA by
19 adopting Resolution 2007-20 for Solid Waste Facility
20 Permit 19-AA-0853.

21 This concludes staff's presentation. Ken Murray
22 of the LEA and his staff and along with David Edwards and
23 Ali Mehrazarin of BFI as well as Board staff are available
24 to answer any questions you may have. Prior to this,
25 however, staff's understanding is the operator would like

1 to make a presentation to the Committee.

2 CHAIRPERSON MULÉ: Thank you, Bill.

3 Let's proceed with the operator's presentation.

4 Good morning, Dave.

5 MR. EDWARDS: Good morning.

6 CHAIRPERSON MULÉ: Please state your name for the
7 record.

8 (Thereupon an overhead presentation was
9 presented as follows.)

10 MR. EDWARDS: Good morning. My name is David
11 Edwards, and I'm the project director for Sunshine Canyon
12 Landfill.

13 I first wanted to say that we feel that the staff
14 has done a fine job in preparing their staff report and
15 has touched upon all the technical issues that are
16 required to be addressed as part of Title 27.

17 My presentation hopefully will supplement the
18 report and primarily present the merits of our project and
19 conclude from there.

20 --o0o--

21 MR. EDWARDS: In this presentation, I'm going to
22 cover a few things. One is what is actually being
23 requested. The other is primarily for information only,
24 and that is the timeline of approvals, including permits
25 for the county landfill, the city landfill, and also the

1 city/county landfill. We'll also talk about environmental
2 protection, community benefits, and then I'll re-summarize
3 what our request is.

4 --o0o--

5 MR. EDWARDS: Today, we're requesting the Revised
6 Solid Waste Facilities Permit, as staff has stated, for
7 continued landfilling in the already approved Sunshine
8 Canyon Landfill county side.

9 --o0o--

10 MR. EDWARDS: The area outlined here --

11 --o0o--

12 MR. EDWARDS: -- in red is entirely within the
13 county portion of the landfill and represents the area
14 that we are currently filling in.

15 The area in blue is the area that is under our
16 request for a Revised Solid Waste Facilities Permit.

17 --o0o--

18 MR. EDWARDS: The extension landfill is
19 consistant with all environmental reviews that have been
20 conducted and land use approvals already received. The
21 extension will increase disposal limits from approximately
22 120 acres to 162 acres. The added lined area,
23 approximately 42 acres again, is totally within the
24 originally approved county landfill area.

25 --o0o--

1 MR. EDWARDS: The estimated total disposal
2 capacity contained in this revised permit will be
3 approximately 24.4 million tons with an anticipated life
4 of 6,600 tons per day of six years.

5 --o0o--

6 MR. EDWARDS: What I'd like to do now is give you
7 a very brief summary of the time frame and the approvals
8 we have gone through to date at Sunshine Canyon.

9 --o0o--

10 MR. EDWARDS: First, I'd like to talk about the
11 1993 county EIR that was certified and fully described the
12 current operations on the county side as well as
13 anticipated a combined city/county landfill.

14 The 1993 approval obtained from the Board of
15 Supervisors also instructed BFI to go back and obtain
16 permits for landfilling in the city side of the landfill.
17 We received those approvals for city operation as well as
18 a combined city/county operation in 1999 from the City
19 Council.

20 The final step, which is not part of the
21 approvals today, will create a combined city/county
22 landfill, include the approval of a joint LEA and a new
23 Solid Waste Facilities Permit for the combined operation.
24 Again, this is subject to approval today. But we look
25 forward to working with the Board on those approvals.

1 --o0o--

2 MR. EDWARDS: Here's a picture of the overall
3 city/county landfill.

4 --o0o--

5 MR. EDWARDS: Next I want to briefly recap some
6 of the key discussion points that have come up over time
7 related to the environment and environmental protection at
8 the site.

9 --o0o--

10 MR. EDWARDS: I know this is groundwater, but I'm
11 trying to emphasize the extent of review that has gone on
12 at Sunshine Canyon Landfill. The issues of groundwater
13 and surface water have been fully addressed in the two
14 EIRs prepared for the site and numerous related documents.
15 The resulting environmental protection at the landfill
16 includes a cut-off wall that has been installed across the
17 entire mouth of the canyon. The proposed design provides
18 for a double composite liner. Construction practices also
19 remove any potential for connection to off-site
20 groundwater. And we have an extensive groundwater and
21 landfill gas monitoring program.

22 --o0o--

23 MR. EDWARDS: Air quality impacts have also been
24 analyzed in the two EIRs. Multiple air quality monitors,
25 studies, and reports requested by the community found that

1 the levels of dust measured as PM10 do not exceed federal
2 standards and were consistent with PM10 levels found in
3 the residential areas monitored by South Coast Air
4 Quality.

5 --o0o--

6 MR. EDWARDS: The two EIRs and multiple other
7 studies have fully evaluated seismic conditions at the
8 site. The stability analysis and design of the subject
9 extension have incorporated these seismic findings
10 providing for a stable landfill in all conditions. The
11 stability of the landfill design was confirmed by the
12 Regional Water Quality Control Board and seismic and
13 stability experts at the Water Resources Board.

14 --o0o--

15 MR. EDWARDS: The landfill has also made
16 significant contributions, not only to the surrounding
17 community, but also to the city and county.

18 --o0o--

19 MR. EDWARDS: BFI has donated over 900 acres of
20 land adjacent to the landfill and approximately 80 acres
21 of hiking trails on the parameters of the landfill. We
22 developed Arroyo Seco, which is a mitigation project in
23 Pasadena, and have also restored Bull Creek in the local
24 community.

25 Economically, we provide 6 percent of the city

1 landfill revenues to environmental programs; 4.5 million
2 towards waste diversion programs; \$18 million towards new
3 park land and traffic improvements; a million dollars a
4 year for household hazardous waste programs; \$2 million
5 for conversion technologies and alternatives to landfills;
6 and \$18 million for additional community benefits and
7 environmental education.

8 --o0o--

9 MR. EDWARDS: Back to our request for the
10 approval of extension of landfilling in the county side of
11 Sunshine Canyon.

12 --o0o--

13 MR. EDWARDS: Sunshine Canyon has been one of the
14 most studied landfills I believe in the country. I've
15 been in the business since 1981 and have processed several
16 of these applications and can say that none compare.
17 Specific to this request, some of the agencies reviewing
18 the project include, as mentioned before, L.A. County
19 Department of Health Services or LEA, L.A. County
20 Department of Public Works, L.A. Regional Water Quality
21 Control Board, the State Water Resources Board, and
22 possibly not mentioned, your staff.

23 Extensive site reviews included: Verification of
24 seismic conditions of the site; analysis of slope
25 stability; evaluation of construction slope stability;

1 waste slope stability analysis; final cover slope
2 stability analysis; evaluation of liner design and
3 groundwater protection; landfill design assessments
4 including surface and groundwater protection systems; and
5 analysis of ground and surface water monitoring programs.
6 Now you can see it's quite extensive and again supporting
7 the fact that we are one of the most highly studied
8 landfills in the country.

9 --o0o--

10 MR. EDWARDS: The design features that are a
11 result of these studies include a double composite liner
12 and containment system. This exceeds the comprehensive
13 regulations set by the State of California and the EPA.

14 --o0o--

15 MR. EDWARDS: Leachate sumps will have triple
16 liner protection; again, a cut-off wall across the entire
17 exit of the facility; enhanced groundwater landfill gas
18 monitoring programs; and extensive gas recovery systems
19 and monitoring.

20 --o0o--

21 MR. EDWARDS: Our request is supported by two
22 EIRs, one conducted on the city side and one on the county
23 side, and has received all the necessary land use
24 approvals for its development.

25 --o0o--

1 MR. EDWARDS: In addition to the design features
2 and extensive conditions for the operation of the
3 landfill, we have two full-time LEAs monitoring compliance
4 as well as two independent monitors, one for the city side
5 condition monitoring and the other for air quality
6 monitoring.

7 There have been independent air quality studies
8 showing the landfill is not impacting the surrounding
9 areas. We have two community advisory committees, one on
10 the city side and one on the county side, that meet
11 regularly to discuss operational issues.

12 Everything I have discussed in this presentation
13 has been the subject of research, evaluation, and
14 discussion at more than 80 public hearings and meetings,
15 including the two recent AB 1497 meetings conducted by the
16 LEA.

17 --o0o--

18 MR. EDWARDS: In closing, BFI would respectfully
19 request that the Board approve Solid Waste Facilities
20 Permit for the expansion of landfilling into the county.
21 And we are here also to answer any questions that you may
22 have.

23 CHAIRPERSON MULÉ: Thank you.

24 Does that conclude our presentations then? Mark,
25 did you have something?

1 DEPUTY DIRECTOR LEVENSON: Staff concluded their
2 presentation, so we're available to answer any questions
3 that you may have.

4 CHAIRPERSON MULÉ: Okay. I'm assuming,
5 Mr. Edwards, that you don't -- I have a speaker slip for
6 you. Is that for the presentation?

7 MR. EDWARDS: Yes.

8 CHAIRPERSON MULÉ: You're fine. Thank you.

9 Do we have any questions? Well, I just have a
10 few. Oh, we do have another speaker, Mr. Mike Mohajer.
11 Did you wish to address the Committee?

12 MR. MOHAJER: Good morning, Madam Chair. And you
13 caught me by surprise. I thought other people were going
14 to speak.

15 And Mr. Chesbro, welcome back. It's been a long
16 time.

17 My name is Mike Mohajer. And I'm before your
18 Board as a private citizen, and I'm not representing any
19 governmental or private sectors on the issues.

20 I had three specific items. One of them is in
21 reference to the AB 1497 that Mr. Danzinger mentioned that
22 it has not been approved by the OAL as of late. Am I
23 correct?

24 CHAIRPERSON MULÉ: Uh-huh. That's correct.

25 MR. MOHAJER: And then it gets into the issue of

1 really what land use permit you're speaking on the item
2 that is before you. Is it going to be the land use permit
3 that the Board of Supervisors is considering tomorrow? Or
4 is it going to be the land use permit that was already
5 approved back in 1993? And reading the staff report are
6 mentioning it is the 1993 CUP. But at the same time, it
7 gets into the issue of the CEQA documentation. They pick
8 up the 2004 addendum for the CEQA documentation. And I'm
9 getting confused as to then how did that addendum comes
10 into the picture.

11 And if you look at that particular item is on
12 page 7 of the staff report under the LEA finding and the
13 third bullet which refers to the addendum in 2004 and also
14 as well as a supplemental EIR. So I'm questioning what
15 are you considering today. But that's something that
16 really is between the Waste Board. And I don't want to
17 get involved with that issue at this time, but something
18 that you may want to clarify it before next Tuesday,
19 assuming it moves there.

20 A couple of other issues I have is really just
21 two sort of house cleaning items. And I thought that the
22 first item is in Attachment 2, which shows a drawing. And
23 the intent is to show the final elevation of the county
24 landfill. And it shows the final contours. And to make
25 it clear that I recommend putting a note on that

1 particular drawing that all the contours that are shown
2 shows the final elevation including the cover. Some kind
3 of statement like that has been made in the draft permit.
4 But for the ease of reference, when you look at this
5 contour map, you know that contour includes the final
6 cover and is not limited to only the final fill of the
7 landfill.

8 The other issue is in reference to your proposed
9 Resolution. And it gets into the second whereas and line
10 3 of the Resolution 2007-20. As was mentioned earlier,
11 this proposed permit, Revised Solid Waste Permit, limits
12 the operation to receive maximum of 6,600 tons per day
13 with a weekly limit of 36,000 a week. But the way it
14 reads over here on the third line uses the word "or"
15 36,000 per week. So instead of "or", it should say "not
16 to exceed 36,000 tons per week." And that makes it
17 consistent with the draft Solid Waste Permit that the LEA
18 had forwarded to you. So changing the word "or" to "not
19 to exceed 36,000 per week."

20 That's all I have, Madam Chair. Thanks very
21 much.

22 CHAIRPERSON MULÉ: Thank you, Mr. Mohajer.

23 Let's take these three recommendations. If staff
24 could address them first. The replacement CUP, could
25 staff address that issue for us on the replacement CUP?

1 BRANCH MANAGER DE BIE: Madam Chair, if you could
2 maybe restate what the question was for staff's benefit.

3 CHAIRPERSON MULÉ: Well, I think Mr. Mohajer was
4 wondering which CUP this proposed permit is based on.

5 BRANCH MANAGER DE BIE: This proposed permit is
6 not based on a CUP. It's based on the Solid Waste
7 Facility Permit application.

8 COMMITTEE MEMBER DANZINGER: I'm sorry. Maybe
9 I'm mixed up, Mike. I thought you were looking ahead and
10 asking whether the '06, you know, that conforming CUP was
11 that going to be tied to '93 or was it going to require a
12 new --

13 MR. MOHAJER: Well, based on my understanding,
14 really the question comes up staff has made a reference to
15 the CEQA documentations. They have used three CEQA
16 documentations. The first one is 1993 by the County Board
17 of Supervisor. The second one is supplemental by the City
18 of L.A. And the third one is addendum 2004. So I'm
19 getting confused over here why are you going that far if
20 you're limited to '93?

21 CHAIRPERSON MULÉ: We'll get that answer for you.

22 BRANCH MANAGER DE BIE: It seems to be the
23 question is regarding what CEQA documentation is being
24 used by the Board to support their approval.

25 The original EIR, the subsequent EIR, as well as

1 the addendum information is all factored into staff's
2 recommendation to the Board relative to the proposed Solid
3 Waste Facility Permit.

4 I'll add that the addendum did not identify any
5 new additional issues, questions, concerns. It was a
6 technical addendum. It's information. It's not required
7 to be approved or adopted for other agencies to utilize.
8 It's additional information. So we gleaned information
9 from it, agreed with the determinations, and are
10 submitting it as part of our recommendation.

11 CHAIRPERSON MULÉ: Okay. Thank you.

12 And then the second item which is the map,
13 Attachment 2, could you address that?

14 BRANCH MANAGER DE BIE: Certainly, we can insert
15 language on the attachment or in the agenda item that
16 indicates that that attachment does indeed reflect the
17 final fill contours, including the final elevation that
18 includes fill and cover. So at the pleasure of the
19 Committee, we could amend or append the attachment. Or
20 maybe the record now indicates by this testimony that it
21 does so.

22 CHAIRPERSON MULÉ: Yeah. I think by our record,
23 Michael, is that correct, Mr. Bledsoe, that we can use the
24 record --

25 STAFF COUNSEL BLEDSOE: Yes.

1 CHAIRPERSON MULÉ: -- to reflect that change?

2 STAFF COUNSEL BLEDSOE: Yes. I think that's
3 clear from the discussion. Yes.

4 CHAIRPERSON MULÉ: Okay. Good.

5 And then the third is on the Resolution in the
6 second whereas. Staff, do you want to comment?

7 BRANCH MANAGER DE BIE: It's staff's
8 understanding it would probably be more correct to delete
9 out "or".

10 CHAIRPERSON MULÉ: And insert "not to exceed."

11 BRANCH MANAGER DE BIE: Right. It's staff's
12 understanding that the permit includes a daily tonnage
13 amount as well as a weekly tonnage amount. And it's not
14 one or the other. It's both.

15 CHAIRPERSON MULÉ: It's both. Correct. Okay.
16 So we can then revise the Resolution to include that
17 alternate language not to exceed -- strike "or" and then
18 add "not to exceed."

19 STAFF COUNSEL BLEDSOE: Yes, Madam Chair.

20 CHAIRPERSON MULÉ: Mr. Danzinger.

21 COMMITTEE MEMBER DANZINGER: While we're on that
22 whereas, this replicates language that was in the agenda
23 item, which I thought was a little bit misleading in terms
24 of the way it reads. It reads like an expansion in
25 tonnage, but I remember earlier -- okay. Earlier, Howard,

1 in the presentation -- I can't remember who sort of
2 offered, you know, alternative reference to the 6600 and
3 then how it becomes the 7200. That seems to make more
4 sense. It seemed to be much more clear that this permit
5 actually results in a reduction in the amount of material
6 coming in. The way it reads here, it looks like it's an
7 expansion in the amount of tonnage.

8 BOARD MEMBER BROWN: I think we had discussed
9 this. It's in the writing of the agenda item where it's
10 the current tonnage. And then you switch the measurement
11 mechanism when you do the new proposed tonnage. You go
12 from a tons per day to a tons per week in the new
13 proposal. It should be the same.

14 COMMITTEE MEMBER DANZINGER: It's mixing apples
15 and oranges.

16 BOARD MEMBER BROWN: It's expansion of exempt
17 waste. When you change it from what's proposed or what's
18 permitted, it says 2400 tons per day and then you go to
19 3600 tons. And you change it to a weekly number rather
20 than keeping it the comparison of what's --

21 COMMITTEE MEMBER DANZINGER: Then you go back to
22 a day. You go to a week, and then you go back to a
23 combined figure per day of 7200. And that's what makes it
24 look like an increase. There's an increase in exempt
25 material that's taking it up to 7200 a day.

1 DEPUTY DIRECTOR LEVENSON: I see where your
2 concern is. And I just wonder how you would like us to
3 correct that. Is it something you would like to correct
4 in the Resolution?

5 COMMITTEE MEMBER DANZINGER: You had corrected it
6 earlier in the item. I wish I could remember it. You had
7 described it, and it was very clear. You kept everything
8 apples and apples.

9 BOARD MEMBER BROWN: I think it's a notation for
10 the future actually. When we write these things, it's
11 consistent with what's permitted is noted and use the same
12 measurement mechanism for the changes or make a notation
13 that they're going to a weekly amount versus a daily.
14 It's just a note.

15 DEPUTY DIRECTOR LEVENSON: Well taken.

16 BOARD MEMBER BROWN: We don't read that clearly
17 sometimes. We have to re-read it three times.

18 COMMITTEE MEMBER DANZINGER: I can't read between
19 the lines.

20 BOARD MEMBER BROWN: I do have a quick comment.

21 And staff did a great job. This one, Sunshine
22 Canyon, obviously is under a much more magnified
23 microscope. And I appreciate staff's work and diligence
24 in going through all these documents and getting this
25 agenda item prepared.

1 But I'd also like to thank the operator for your
2 thoroughness in the review of this landfill and all of the
3 issues that the community has raised. I think it shows
4 your stewardship for the area, and I just appreciate the
5 fact that you've done as much as you have to prepare this
6 for our review. So thank you.

7 BOARD MEMBER CHESBRO: Madam Chair, we have no
8 requests from the attorneys or --

9 CHAIRPERSON MULÉ: No. I don't have any speaker
10 slips, do we?

11 BOARD MEMBER CHESBRO: I'm sure that the
12 applicant disagrees with what I'm about to say. But it's
13 frustrating. I'm not a member of the Committee, but I
14 came here expecting to have some time to digest their
15 claims that we would hear from the opponents. And I judge
16 by the document that the Committee has received they
17 intend to be at the Board. And I just think it's not
18 really very respectful of the Committee's process if they
19 intend to be there and have all of these claims about the
20 project that they're not here to present them. So
21 obviously that's more your concern as the Chair of the
22 Committee. But as a Board member who came hoping to hear
23 those arguments, I think it's unfortunate.

24 CHAIRPERSON MULÉ: What we can do is vote on this
25 today and then move it to the full Board as well for

1 another presentation at the full Board.

2 BOARD MEMBER BROWN: Could we -- if they show up,
3 then we can pull it from the consent agenda.

4 CHAIRPERSON MULÉ: We can do that, too.

5 BOARD MEMBER BROWN: Would that be -- I mean, I
6 don't know -- we've done a full presentation here today,
7 and they aren't here. And I respect their ability and
8 desire to speak before the Board. And maybe we put it on
9 consent. And if they come up, we can pull it from the
10 consent agenda.

11 BOARD MEMBER CHESBRO: Certainly due process wise
12 I think if people want to address the Board, I think the
13 Board has to allow and encourage that. But, you know,
14 it's up to the Committee of course how you want to handle
15 the question of whether or not it goes on the consent or
16 not.

17 BOARD MEMBER BROWN: I'm not on the Committee
18 either. It's up to the Committee.

19 CHAIRPERSON MULÉ: Jeff, what's your pleasure?

20 COMMITTEE MEMBER DANZINGER: I don't think
21 there's any doubt. I share your frustration that the
22 opponents aren't here. I was prepared to hear them,
23 listen to them. I had comments that I want to make, but I
24 mean, I think I'll reserve them for the Board meeting. I
25 think that they're going to be there. You know, I mean,

1 and we have one of our Board members who's not here today.
2 I think we can reasonably expect they're going to be
3 there. I would support just moving it to the full Board
4 without being on consent.

5 CHAIRPERSON MULÉ: Okay. Do we have any other
6 questions or comments or any speakers from the public?

7 I just want to make sure with staff. You know,
8 you've done a great job presenting this item and preparing
9 it. And I want to thank you very much.

10 You know, I just have to ask here in public. I
11 mean, is it in your opinion that the environmental review
12 that was conducted not only by you, the LEA, and the
13 various water agencies, and the Department of Public
14 Works, do you feel that your environmental review has been
15 more than adequate?

16 DEPUTY DIRECTOR LEVENSON: Madam Chair, that's
17 the entire thrust of our conclusions in the item that, you
18 know, we have reviewed the joint technical document, the
19 environmental documents, and all the other supporting data
20 and that the proposed permit meets State Minimum
21 Standards. And we are satisfied.

22 CHAIRPERSON MULÉ: Okay. Well, then thank you.

23 Any other comments or questions?

24 COMMITTEE MEMBER DANZINGER: No. I want to echo
25 your comments, Madam Chair. I think that the staff work

1 on this has been exceptional. It's been very thorough.

2 I appreciate the presentation by the operator.

3 It was very succinct, and it touches on a lot of issues,
4 certainly the issues that are of importance and relevance
5 to us and some issues that are not of relevance to us but
6 clearly articulated to demonstrate just the breadth of
7 review and response that has taken place on this.

8 And, you know, I guess I do feel like saying
9 something. To the opponents who have sent in a lot of
10 material -- they're not here today, but they have sent in
11 a lot of material and it is part of the public record. So
12 let me just make a couple comments directed at that and
13 may have more expansive comments at the Board meeting.

14 But, you know, clearly this is a complex
15 regulatory item. And, you know, we're dealing with an
16 operation that's been getting a lot of attention, thorough
17 review by our staff on the application and the operation
18 and the issues with great intensity, and that's our job.

19 I can't say that I'm enamored with every issue
20 relative to Sunshine Canyon. And that begins of course
21 with the site selection that was made many, many years
22 ago. But our job is to look at the evidence, to look at
23 the science, to look at the caliber of the operation and
24 determine if all of that conforms with the statutory
25 requirements that we are charged with enforcing. Not

1 local planning committees, city councils, board of
2 supervisors, or the water and air boards. They do their
3 job, and they do it well.

4 If we find, for instance, in the local area if
5 something has been done that wasn't above board or was
6 grossly incompetent, then, yes, there's an issue there. I
7 have not seen anything like that.

8 And specifically to the issues that have been
9 raised, it seems clear to me that there's been extensive
10 verification of all of those issues by both the operator,
11 by the local agencies, by our staff, and by independent
12 studies that have been done.

13 So I have a comfort level with this permit based
14 upon those elements that are directly relevant to our
15 statutory authority and to the core environmental issues
16 that are relevant.

17 So, Madam Chair, I will move adoption of
18 Resolution 2007-20.

19 CHAIRPERSON MULÉ: As revised.

20 COMMITTEE MEMBER DANZINGER: As revised with the
21 second whereas.

22 CHAIRPERSON MULÉ: And I will second that.

23 We have a motion by Board Member Danzinger,
24 seconded by Board Member Mulé. Could you call the roll?

25 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

1 COMMITTEE MEMBER DANZINGER: Aye.

2 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

3 CHAIRPERSON MULÉ: Aye.

4 We will move that to the full Board for an
5 abbreviated presentation at the full Board meeting next
6 week.

7 Okay. Given the time, I'm sure some folks need a
8 break, especially our court reporter. Let's break for
9 lunch until 1:00. Come back at 1 p.m. Thank you.

10 (Thereupon a lunch recess was taken.)

11 CHAIRPERSON MULÉ: Good afternoon. I'd like to
12 call this meeting back to order. We are on Agenda Item 7.
13 And I believe that is Committee Item H. Thank you.

14 Or do we have any ex partes?

15 COMMITTEE MEMBER DANZINGER: No.

16 CHAIRPERSON MULÉ: And I just was introduced to
17 Michael O'Grady and Alex Kotachi. Sorry. Thank you.

18 Mr. Levenson.

19 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
20 Chair. Good afternoon.

21 For the record, this item is Consideration of
22 Adoption of or Request for Rulemaking Direction to Notice
23 for 15-Day Comment Period the Proposed Regulations
24 Modifying Existing Active Disposal Site Gas Monitoring and
25 Control Regulations. John Bell is going to make the

1 presentation on that.

2 MR. BELL: Good afternoon, Madam Chair and
3 Committee members.

4 By way of history, this proposed action has long
5 been wanted by the Board staff and various LEAs for
6 clarity and additional guidance.

7 Discussion at the Board Committee level first
8 took place in September 2003 in conjunction with the
9 Long-Term Gas Violations Standards. This issue was also
10 raised in the GeoSyntec Landfill Compliance Study. And at
11 its September 2004 meeting, the P&E Committee directed
12 staff to implement the study's recommendation to apply
13 closed site disposal of regulations to active sites.

14 In September 2005, Board staff held an informal
15 public workshop on these draft regulations. And at the
16 December 2005 P&E Committee meeting, staff was directed to
17 notice the draft regulations for a 45-day comment period.
18 This comment period started on September 15th and ended on
19 October 30th of 2006. The required formal public hearing
20 was held directly after the P&E Committee meeting on
21 December 4th, 2006.

22 The draft regulations before you today contain
23 language that applies closed site standards to active
24 sites. The active site gas standard 20919.5 is no longer
25 needed as it has been completely incorporated into the

1 closed site standards. At first glance, these draft
2 regulations look fairly complex. However, the vast
3 majority of the changes involve minor cleanup language
4 made under the review of our legal staff to enhance
5 consistency and clarity and yet not change the law.
6 Virtually all comments we've received have essentially
7 pertained to the proposed cleanup language and not to the
8 primary change proposed.

9 I would like to address the more significant of
10 these cleanup language comments. First, there have been
11 comments related to the time for sites to come into
12 compliance with these new regulations. Under current
13 standards, sites which had received their final shipment
14 of waste should already be in compliance. Hence, staff
15 retained the statement, "Disposal sites which have
16 received their final shipment of waste shall comply with
17 these regulations immediately."

18 Also, on the same issue, comments have been
19 received that more than one year should be allowed for
20 compliance for active sites. Staff believes one year will
21 be adequate in most if not all cases. For circumstances
22 beyond the control of the operator, the LEA has the
23 discretionary authority to issue an enforcement order for
24 more time.

25 Comments were received related to the use of

1 bar-hole punches as an adequate substitute for landfill
2 gas monitoring wells and probes to the depth of the waste.
3 Bar-hole punches at best only allow gas monitoring to a
4 depth of two to three feet. The depth of waste is much
5 deeper, and thus monitoring well probes are needed.

6 Comments have been made that the Board should not
7 have concurrence authority in approving landfill gas
8 monitoring in control system designs. Board concurrence
9 was retained, because Board concurrence is needed for
10 closure/postclosure plans, review and approval process,
11 and the Solid Waste Facility Permit process. However, we
12 have added a timeline under which the Board should act.

13 Comments have been received that regulations
14 should allow waivers from landfill gas monitoring when no
15 threat to public health or safety exists. That is, no
16 adjacent structures. Staff agrees with the U.S. EPA that
17 facilities which are remote today may be surrounded by
18 extensive development in the future, especially after
19 completion of disposal operations.

20 Comments have been received that the depth of the
21 monitoring well probes do not have to be to the depth of
22 the waste if the monitoring point is beyond a thousand
23 feet of the waste. There have been cases of landfill gas
24 migrating more than a thousand feet from the landfill
25 footprint and at depths greater than the depth of the

1 refuse. The wording has been retained for these reasons
2 and because regulations already allow the LEA to approve
3 alternatives on a case-by-case basis.

4 There has been one comment received expressing
5 concerns on the compliance boundary with respect to
6 including easements. We've discussed this issue with the
7 interested party and will include a draft of the language
8 to address easements with respect to the compliance
9 boundary in the final Statement of Reasons in our next
10 agenda item.

11 Significant comments that did not involve cleanup
12 language dealt with the issue of trace gases. Comments
13 have been made that the existing standard for trace gases
14 should be deleted. Eliminating this already existing
15 portion of the standards is beyond the scope of this
16 rulemaking, which is limited to modifying active site
17 regulations by incorporating the more detailed closed site
18 regs; and two, including appropriate cleanup languages for
19 clarity and consistency. Staff also disagrees with this
20 comment in any case.

21 I would now like to point out that the changes
22 staff has made to the previous draft regulations are in
23 double underline or double strikeout in your black and
24 white versions. Some of these changes include: Adding
25 local building authority to the list of entities that

1 could require gas investigations in response to a hazard
2 or nuisance that's in Section 2919; adding specific EA
3 approval in several sections; adding a timeline for Board
4 review of gas system designs, which is 60 days if there is
5 no closure plan or permit time line; clarifying
6 informational needs for seven day recording report
7 requirements.

8 To date, there has been no objection to modifying
9 the regulations to apply closed disposal site standards to
10 active sites. The vast majority of the regulation changes
11 are in minor cleanup language, making no substantive
12 change to the regulations and are only made to enhance
13 consistency and clarity. Staff has incorporated
14 additional changes to the cleanup language based on all
15 comments received to date.

16 In conclusion, we recommend adoption of Option 2
17 directing staff to formally notice the proposed
18 regulations for an additional 15-day comment period.

19 Are there any questions?

20 CHAIRPERSON MULÉ: Thank you, John.

21 We have several speakers, so we're going to let
22 those speakers address the Committee. And then we'll take
23 questions. Our first speaker is Glenn Acosta.

24 MR. ACOSTA: Hello, Madam Chair and Board
25 members. My name is Glenn Acosta. And I'm with the L.A.

1 County Sanitation Districts.

2 And we were one of the commentators on the proposed
3 regulation, and we appreciate staff working with us on one
4 of the issues that we raised which dealt with easements.
5 And that was an important issue to us, because we have gas
6 monitoring probes on some easements. And unless the
7 easements are allowed to be part of the permitted facility
8 boundary of a landfill, then they can't be used for
9 compliance purposes with the new rule. So we felt it was
10 important enough for us and for other landfill operators
11 to provide that comment and require that easements be
12 included in the permit facility boundary.

13 Now, staff has indicated that they will include
14 such provisions in the Statement of Reasons. And while
15 this is good, our preference is to have that easement
16 allowance in the regs themselves so that there is no
17 question and there's enough clarity so that landfill
18 operators in the future will see that easements are indeed
19 allowed.

20 And secondly, we appreciate staff working with us
21 in terms of our current Solid Waste Facility Permit. We
22 show the gas probes in the permit. The word easement
23 isn't mentioned specifically. So if it is required to be
24 mentioned, given that it's an existing easement, we hope
25 we can accomplish this through an RFI amendment.

1 And lastly my comment on the overall process, I
2 think that the last several reg packages that have come
3 through were exceptional in terms of stakeholder input and
4 making the process transparent. Like putting out the
5 draft regs, soliciting comments, and then publishing or
6 putting on the website the response to comments. I think
7 that's kind of an important component in the reg
8 development process. And I think it shows us, the
9 stakeholder, that they are listening to our comments.
10 They are responding to our comments. And we see how they
11 think on issues. And I think that should be part of this
12 process and future processes. Thank you.

13 CHAIRPERSON MULÉ: Thank you.

14 Our next speaker is Mr. George Larson.

15 MR. LARSON: Good afternoon, Madam Chair,
16 Committee member. And Senator, welcome home. George
17 Larson representing Waste Management.

18 I want to commend staff on follow-up comments to
19 Mr. Acosta that it was a very thorough process. And I
20 think this is a subject area certainly that was in need.

21 I had two quick comments. And these were
22 contained in a letter that was signed by the San
23 Districts, several counties, Norcal Waste, Allied, and
24 SWANA. In Section 20918 and Section 20919, there seems to
25 be a disparate criteria for granting exemptions and

1 imposing a gas control standard. In Section 20919, there
2 need only be a reason to believe of a hazard or a nuisance
3 to be required and to develop a plan. In 20918, there
4 must be substantial evidence in order to justify an
5 exemption. We feel both of these actions deserve
6 equivalent criteria by which they should be measured. And
7 in that letter, we suggested that both of these inclusion
8 or exclusion be based upon technical justification.

9 And as a general comment, in Section 20921, the
10 Board, for lack of a better way to put it, inserts itself
11 into some of the decision-making processes that have been
12 really routine matters of the local enforcement agency in
13 the past. This is viewed as a duplication of authority
14 that really only I believe tends to slow down the
15 corrective actions that the intent of the regulations seek
16 to do.

17 Also, there are no procedures or schedule for
18 such Integrated Waste Management Board review and approval
19 as outlined in the proposed reg. So if it is to stay in,
20 we would like to know how and when it would be done. And
21 possibly another mechanism could be developed that would
22 provide more flexibility, because the gas control
23 situation at a landfill is really a dynamic process. You
24 have to incorporate something into a joint technical
25 document in the permit. It's a very lengthy process to

1 change that. So some flexibility in addressing real
2 issues that certainly will occur by some other mechanism
3 than incorporation in the JTD and the permit might provide
4 that relief. Thank you very much.

5 CHAIRPERSON MULÉ: Thank you.

6 Our next speaker is Martin Aiyetwa.

7 MR. AIYETWA: Good afternoon, Madam Chair. My
8 name is Martin Aiyetwa with the Los Angeles County
9 Department of Public Works.

10 In October, we sent a letter to Waste Board staff
11 expressing our support for the proposed regulations. And
12 we would like to state for the record that we're in
13 support of what Board staff has proposed and we would like
14 to commend staff efforts on the proposed regulations.
15 Thank you.

16 CHAIRPERSON MULÉ: Thank you.

17 And our final speaker is Nancy Ewert.

18 MS. EWERT: Good afternoon. My name is Nancy
19 Ewert. I'm an engineering manager with the Kern County
20 Waste Management Department. And today I also wear a
21 second hat. As a member, I've been asked represent the
22 SWANA Legislative Task Force.

23 First, I would like to make clear that Kern
24 County and the Legislative Task Force do not generally
25 oppose applying closed site standards to active sites.

1 However, as we all know, the devil is in the details. And
2 numerous commentors have gone on record as being opposed
3 to many of the proposed changes. The proposed changes
4 broaden the scope of regulations from methane to landfill
5 gas. And while this may seem a minor change, it is not.
6 While methane has an objective standard of a lower
7 explosive limit, the myriad of trace gases do not have
8 objective standards and none are currently proposed.

9 The Enforcement Advisory Committee representing
10 Local Enforcement Agencies and numerous other commentors
11 recognize this as a significant change and prudently
12 proposed that a task force be charged with evaluating
13 these proposals prior to amending the regulations.

14 The Integrated Waste Management Board provided an
15 economic analysis report that concluded that the new
16 regulations will have no significant and economic impact.
17 The report stated that only 25 landfills in the state will
18 be impacted, and the cost will be \$30,000 and that
19 government cost will be reimbursable through fees. Kern
20 County has estimated that to comply with the proposed
21 regulations, approximately 42 multi-level probes will need
22 to be constructed at seven of our 14 landfills at a cost
23 of approximately \$600,000. Under Proposition 218, the
24 cost is not merely reimbursed through fees. This is a
25 significant impact.

1 The proposed regulations also include a
2 compliance schedule of one year. The time to design,
3 budget, and obtain LEA and possible Integrated Waste
4 Management Board concurrence as well as bid and construct
5 these new probes is estimated to take at least three
6 years. Again, one year is simply not sufficient and
7 reflects a fundamental lack of understanding of the scope
8 of the changes being proposed.

9 There are several other significant changes being
10 proposed, including the change from the property boundary
11 to the permitted boundary, the depth of the probes, and an
12 increase in Waste Board oversight. The Legislative Task
13 Force recognizes these as major changes in regulation that
14 are currently dismissed or diminished by staff. We ask
15 that the industry and jurisdictional comments and concerns
16 be fully considered and evaluated. We believe adoption of
17 the proposed regulations is premature, and we ask that the
18 regulations be modified to reflect the issues and concerns
19 of jurisdictions and the industry. Thank you very much.

20 CHAIRPERSON MULÉ: Thank you.

21 Okay. That concludes our public comments. Do we
22 have any questions for staff? Board Member Danzinger.

23 COMMITTEE MEMBER DANZINGER: I have no questions.
24 I'd just like to hear staff response to the last comment.

25 DEPUTY DIRECTOR LEVENSON: We'll start. There

1 were a number of different issues that were raised in the
2 various commentors. We'll start with the last one per
3 your request, Mr. Danzinger.

4 COMMITTEE MEMBER DANZINGER: Any order you want
5 to do it.

6 DEPUTY DIRECTOR LEVENSON: I think the last one
7 is the most significant.

8 I will say for Mr. Larson's comments, we can
9 provide explanations subsequently.

10 With respect to Mr. Acosta, our preference is
11 that we respond to that issue via the Statement of
12 Reasons, the Final Statement of Reasons. And what we're
13 proposing is what we return in the next iteration, we
14 would have some draft language to that effect in the
15 agenda item so it would be available for him to review.
16 But we can talk about that more.

17 Ms. Ewert raised a number of issues. First about
18 the trace gas provisions. I'll turn that to Mike to
19 respond or John. But those are existing standards in the
20 closed site regulations. So we are not changing the
21 standard. But per the direction of the Committee and
22 pursuant to the GeoSyntec Landfill Report, applying the
23 closed site regulations to active sites.

24 MR. BELL: On the issue of landfill gas, with the
25 exception of the trace gases portion of the existing

1 standards, landfill gas to us has always meant methane.
2 And that's what the federal standard related to, and
3 that's what we've adopted. So beyond the trace gas
4 portion of these standards, we're looking only at methane.
5 We're not requiring evaluation any other standards for the
6 five percent at the property boundary or the 1.25 percent
7 in on-site structures. If that answers that portion of
8 it.

9 As far as the cost, these standards should
10 essentially be in place in most sites in California
11 anyway. When a site closes, of course, they'll be looked
12 at by the closure standards. But to be a properly
13 monitored site, probes should be to the depth of the
14 waste. They should be multi-depth probes. Bar-hole punch
15 should not be a substitute. This has long been known. So
16 the cost should have already been assimilated or these
17 things should already be in place.

18 DEPUTY DIRECTOR LEVENSON: Just to follow up on
19 that particular comment. That kind of perspective from
20 staff derives from U.S. EPA guidance Subtitle D guidance
21 from the early 1990s on the need for multi-depth probes.
22 We've provided that guidance to LEAs to the effect
23 bar-hole punches in our view are not acceptable. This
24 language would clarify that, because there is some
25 ambiguousness in the existing provision. This would

1 clarify that that is the standard practice and that is
2 what is expected under Subtitle D.

3 MR. BELL: As far as the time to pay for these
4 things, an LEA can grant a Notice and Order for three
5 years, if that is necessary.

6 CHAIRPERSON MULÉ: What about the compliance
7 schedule, the one year?

8 MR. BELL: That's what I'm talking about. They
9 can go beyond one year if the LEA so decides and can write
10 a Notice and Order to that effect. So that provision is
11 already taken care of and has been used at other sites.

12 CHAIRPERSON MULÉ: Okay. Anything else?

13 Okay. Well, Mr. Danzinger, I think --

14 DEPUTY DIRECTOR LEVENSON: Madam Chair, do you
15 want us to respond to Mr. Larson's comments as well?

16 CHAIRPERSON MULÉ: Yes.

17 DEPUTY DIRECTOR LEVENSON: I'll turn to our Legal
18 Office. The first comment was on the substantial evidence
19 versus reason to believe differences in the first two
20 sections.

21 STAFF COUNSEL BLEDSOE: Michael Bledsoe from the
22 Legal Office, Madam Chair. Staff may want to amplify this
23 response, but just like to give a very quick definition of
24 substantial evidence. That simply means facts or
25 inferences drawn from facts or opinions, expert opinions,

1 which a reasonable person would rely on in making a
2 decision. So it's important that if an exemption to the
3 landfill gas regulations is going to be granted that the
4 LEA have a reason for doing so. So that's essentially
5 what we're saying there. And that applies to Section
6 20918.

7 In 20919, the question is, does any of these
8 public agencies have a reason to believe that hazard, a
9 nuisance is being created or may be created by landfill
10 gases. So in that case, we certainly are requiring that
11 the local fire control authority or the building authority
12 or the LEA, you know, have a rational basis for believing
13 there may be a problem.

14 But if your concern is that there may be a
15 problem, you're not going to have substantial evidence to
16 prove that there is a problem. So your substantial
17 evidence in that case or your reason for believing is --
18 well, my experience as, you know, a regulator for the last
19 20 years shows when you leave waste in the ground for 20
20 years, you're going to get gas. So, you know, in effect,
21 we have the same standard in both cases. And I honestly
22 wouldn't care if you changed the language to substantial
23 evidence throughout the regs. But we're simply trying to
24 require that if you're going to exempt a facility there be
25 a good reason for doing so. And likewise, you have to

1 have a reason if you're going to require these regulations
2 in the first place.

3 CHAIRPERSON MULÉ: So perhaps we may want to
4 consider that change to be consistent.

5 DEPUTY DIRECTOR LEVENSON: If the Committee so
6 directs, we'd be happy to do that.

7 CHAIRPERSON MULÉ: Again, I think for
8 consistency's sake, it would be wise to do that.

9 DEPUTY DIRECTOR LEVENSON: Mr. Larson also raised
10 a question about Section 20921 on the Board oversight of
11 the Gas Monitoring Control Program. We retained the
12 provision that staff would concur with the landfill gas
13 system design because we also must approve landfill gas
14 monitoring system design as part of closure and
15 postclosure maintenance plans and also as part of
16 reviewing the adequacy of a Solid Waste Facility Permit
17 either during the five-year review or when a permit is
18 coming before the Board.

19 However, we did recognize there was some
20 uncertainty this could be an open-ended process. So we
21 did add in language that specifies time lines 60 days.
22 And if we don't provide any comments, it's deemed we have
23 concurred in it. So we feel that we did at least respond
24 in spirit to that. Whether it's adequate or not for the
25 commentor, I'm not sure.

1 CHAIRPERSON MULÉ: Okay.

2 DEPUTY DIRECTOR LEVENSON: There are obviously a
3 couple of other issues that have been raised. Staff has
4 gone through these and provided responses.

5 What I would like to suggest, depending on the
6 Committee's pleasure, is that you direct us to go out for
7 15-day comment period with the changes that we proposed.
8 And then when we return with whatever comments we get on
9 that, we would provide an expanded -- in addition to the
10 draft language on the final Statements of Reasons that we
11 committed to for Mr. Acosta, we can build in a little bit
12 more material into the subsequent agenda item that
13 specifies our response and rationale to more of these
14 issues.

15 CHAIRPERSON MULÉ: That would be very helpful.
16 So I guess our Committee is directing you to go out for
17 the 15-day additional comment.

18 DEPUTY DIRECTOR LEVENSON: And just in terms of
19 when we expect to return, it's possible we could squeeze
20 the 15-day comment period in and return in March. But
21 there would be -- we wouldn't have time to really publish
22 any changes or comments in an agenda item, so we would go
23 to April.

24 CHAIRPERSON MULÉ: Let's move it to April. We'll
25 leave it at April. Thank you.

1 All right. Next item is Board Agenda Item 11.

2 And I believe that is Committee item L. Thank you, all.

3 And welcome back, Lorraine.

4 DEPUTY DIRECTOR VAN KEKERIX: Good afternoon,
5 Board members. I would like to give a little bit of an
6 introduction for the next two items. These will be the
7 first Compliance Orders that staff is bringing forward for
8 the 2003-2004 biennial review cycle.

9 The law requires jurisdictions to develop plans
10 to achieve 50 percent diversion and to implement those
11 plans and gives the Board the responsibility for reviewing
12 the jurisdictions' progress every two years. It also
13 provides the Board with the option for finding that a
14 jurisdiction has made a good faith effort. That is, it
15 has made all reasonable and feasible -- it has implemented
16 all reasonable and feasible diversion programs. Where we
17 identify a shortfall in either the diversion rate or a gap
18 in programs, the Board has the option of issuing a
19 Compliance Order. And the Compliance Order is the first
20 step in the compliance process, but it also provides the
21 jurisdictions an opportunity to develop more detailed
22 plans and address those shortfalls. So it provides an
23 opportunity for them to do more programs and also to
24 obtain more Board staff assistance.

25 Staff is here today with two items, Items 11 and

1 12 on the Board agenda. If the Board approves the
2 biennial reviews that it recommend or the Committee put on
3 consent this morning, 95 percent of the jurisdictions will
4 have gotten approval as having good programs or good
5 numbers or have made a good faith effort.

6 So we're down to the last five percent. The
7 compliance rate is very high, and staff sees the
8 Compliance Order as simply an additional tool to move
9 towards compliance. And Ed Reidhead will do the
10 presentation on Item 11.

11 MR. REIDHEAD: Thank you, Lorraine. Good
12 afternoon, Chairperson Mulé and Committee members.

13 Board staff is bringing forward its 2003/2004
14 biennial review findings that the City of Paramount has
15 failed to adequately implement its diversion programs to
16 meet State diversion requirements of PRC 41780. Board
17 staff has met with City representatives several times in
18 conferring on City programs and staff's biennial review
19 findings. The primary processing facility that handles
20 waste collected from the city was also visited as part of
21 staff's review.

22 The City of Paramount was issued a time extension
23 through December 2003. The City reported it would
24 increase the amount of commercial materials processed
25 through a materials recovery facility and implement a C&D

1 ordinance in the time extension Plan of Correction. Both
2 programming commitments have been implemented. The City's
3 original SREE established a plan to implement a
4 residential curbside recycling program, but the City later
5 determined that a residential program would not be
6 effective and determined that other program alternatives
7 including enhanced commercial diversion and construction
8 and demolition recovery would be more efficient program
9 activities to focus limited resources on an order to meet
10 diversion requirements. Staff's review of diversion data
11 indicates that program enhancements to the residential,
12 commercial, and C&D recovery programs are needed as
13 limited sorting and processing of materials is not
14 providing sufficient recovery to support the City's
15 achievement of diversion requirement. The City's 2003 and
16 2004 diversion rates are 48 percent and 43 percent
17 respectively.

18 In 2004, the City did experience a large increase
19 in reported self-haul. Review by the City suggests that
20 this could be C&D waste, but it is difficult to determine
21 due to the cash basis used for payment.

22 Board staff therefore recommends the Board to
23 consider issuing the City a Compliance Order that will
24 require the City to work directly with Board staff to
25 develop a Local Assistance Plan that will identify a

1 strategy for program enhancements and local actions
2 necessary to enable the City to achieve diversion
3 requirements.

4 This concludes my presentation. John Moreno,
5 City of Paramount's Assistant City Manager, is present
6 today to answer any questions. Thank you.

7 CHAIRPERSON MULÉ: Thank you.

8 We have two speakers. We have Michael Huls first
9 and then we have John Moreno. Do you want to go first?

10 MR. MORENO: Great. Thank you very much, Madam
11 Chairman and Board members. Again, I'd like to thank you
12 for allowing me the opportunity to speak before you. And
13 I'd like to also introduce to you Mr. Michael Huls of Huls
14 and Associates and Alex Khojikian also with the City of
15 Paramount.

16 On behalf of Paramount, I'd like to explain to
17 you we are 100 percent behind AB 939. We'd do whatever it
18 takes to comply with this important law. A few years ago
19 as they had mentioned, we thought we were on our way to
20 achieving the compliance with AB 939 with the 48 percent
21 diversion rate in 2003. This was done with a little
22 economic impact to our mostly low-income community.
23 However, last year, when we did receive confirmation our
24 2004 diversion number decreased by five percent, we
25 immediately went to work.

1 With you this afternoon is a handout I believe on
2 page 2, slide number 3. I'll give you detail of what we
3 did since we received that 2004 number. On several
4 occasions, we corresponded with the Local Assistance
5 Branch for help in doing that. We've been working very,
6 very hard toward obtaining all these goals. We
7 implemented new programs. We actually promote an existing
8 one. And we're looking for new innovative ways to achieve
9 more diversion. After doing all that, we then received
10 the Compliance Order. So as Mr. Huls will come up and
11 tell you right now, we started our efforts before the
12 Compliance Order. So with or without the Compliance
13 Order, we will move to achieve this goal.

14 That is why we have a multi-pronged approach
15 here. And I'll have Mr. Huls now come up and speak on
16 some more detail on what we've done. Thank you very much,
17 and I appreciate the opportunity.

18 CHAIRPERSON MULÉ: Thank you for being here
19 today.

20 MR. HULS: Good afternoon. For the record, my
21 name is Michael Huls. And it's a pleasure to be here
22 again, Madam Chair and distinguished Board members.

23 The actions as the Assistant City Manager
24 indicated are several. It's almost as if we were
25 developing our own Local Assistance Plan. And of course

1 we'll work very closely with your staff to develop -- the
2 Local Assistance staff to formally develop that particular
3 plan. But the items that we did undertake which were
4 identified on the third slide were, of course, the C&D
5 recycling ordinance actually ensuring that our C&D debris
6 is recovered at either the local MRF, which is Paramount
7 Research Recycling, or other MRFs in the area. Some of
8 those that were identified in fact earlier this morning.

9 We're promoting extensively the residential green
10 matter program. So we do have a curbside recycling
11 program. It's just focused on one segment of the waste,
12 requiring more waste origin information from self-haulers.
13 And that's very critical to us, because over almost
14 one-third of the entire disposed waste stream is actually
15 coming from self-haulers. And of that, for a city with
16 basically 64,000 tons that's hauled by the franchise
17 hauler, we have somewhere like close to 15,000 that's just
18 by cash customers only. These are folks that pay the
19 money and don't identify who they are. It makes it really
20 difficult to go back and track all those folks.

21 And of course, we felt something was very
22 important which was to actually take a look, do a facility
23 audit of our local MRF. And that helped us to identify
24 quite a few things that we are going to be implementing
25 with that facility and that also is identifying other

1 opportunities in the community with respect to finding our
2 top disposers. We identified the top 15 disposers in the
3 city, and we're actually going after them now for
4 increased diversion. And some of them sort of the
5 head-scratching variety. Several of them were places that
6 have bailers, and they routinely recover their cardboard
7 and other types of matter. But, yet, those things were
8 still finding their way to the disposal station and
9 ultimately were thrown away. So we want to capture just
10 as much as we can.

11 The C&D recycling ordinance, which is on the
12 fourth page, even though our C&D projects have dwindled in
13 the past couple of years -- and it's because of general
14 economic conditions. Sometimes there's spikes and other
15 times there's not. Obviously, we can't dismiss a disposal
16 spike. We have to deal with it. But our ordinance
17 requires 50 percent diversion. And we also require a
18 deposit. And the only waste streams that are not really
19 covered by this -- when I say covered by it, they're not
20 required to provide paperwork. Everybody in the city that
21 does anything connected with construction and demolition
22 must meet our 50 percent requirement. It's those that
23 probably make up 70 to 80 or even 90 percent of the waste,
24 those folks we're going to make sure are definitely
25 covered and it's not just like an honor system.

1 The processing of the local MRF obviously was
2 something of a lot of importance for us. And that's on
3 slide number five. Materials are generally batch
4 processed at our local MRF. And we reviewed the
5 activities there to assure that their staff understand and
6 realize what it is that the City expects in terms of
7 materials being diverted. And so we confirm that that
8 training has gone on and that the facilities are going to
9 be adequate.

10 We also allow the hauler -- and it's kind of an
11 interesting situation because our franchise hauler is
12 co-owner of the facility, but the facility ownership is
13 slightly different than the hauler. We got the two
14 parties to meet and agree. And the hauler will also take
15 materials to other facilities as well as need dictates.
16 So if there's any kind of an issue at the facility, we
17 know that that material is going to have a home.

18 We have also been extensively promoting since
19 November/December our green waste recycling program to
20 encourage greater usage. And I think what was really
21 important was of course the waste origins, which is on
22 slide number I think it's seven, the waste origins
23 correction for self-haulers, because we do have so many
24 self-haulers, and almost immediately was apparent a lot of
25 people were bringing materials to the facility. And

1 because it said Paramount Resource Recycling, they thought
2 he had to be from Paramount or they couldn't be let in.
3 That immediately was a major obstacle that we're able to
4 overcome.

5 We provided a copy of what the signage is at the
6 facility. So we're auditing the facility as to how their
7 compliance is with keeping their terms of their agreement
8 with us.

9 In terms of the recycling opportunity survey, I
10 mentioned already, and that's on slide I think it is nine,
11 and we believe there's another up to 3,000 tons of
12 diversion that we can readily get at through
13 source-separation based programs. And that's something
14 that we're initializing immediately. We also identified
15 ways that we can improve the MRF diversion performance.
16 And among these things is to help them understand which
17 loads are dry loads, which are less dry loads so that they
18 can get the maximum diversion from the material
19 throughput.

20 We also believe that our renewed understanding of
21 the waste stream will help us more effectively do
22 education and other types of activities to improve
23 diversion. And one thing on slide number ten, which is
24 more transformation. Once these programs are in place, we
25 are encouraging our hauler through the facility to take

1 more material to SERRF and CREF as they are available.
2 There's been some problems in the past with gaining access
3 to it. But they've assured us they'll be able to provide
4 better access through better communications with the
5 facility.

6 On slide eleven, our curbside recycling program,
7 it already consists of a green waste program. But we are
8 now moving to a more permanent automated system. We're
9 beginning with a pilot program to test the feasibility
10 with the hauler. But by the end of the year, we should be
11 full-blown with the complete implementation of the
12 curbside system. And that will be a three-cart system.
13 And while we identify two to three percent diversion rate,
14 that's on the basis of having about 130,000 tons of total
15 waste generated. And then we only have about 28 percent
16 of that waste generated being residential. And that
17 includes both multi-family as well as single family.
18 About half of our housing stock is single family and half
19 is multi-family. So it makes for a little bit of a
20 challenge. But we believe that the improvements in the
21 MRF processing will allow us to gain greater material
22 recovery from both the multi-family as well as the regular
23 commercial.

24 And the summary slide, which is the last slide,
25 we believe that the C&D debris recycling based on the type

1 of inputs we've been getting back from the C&D program, we
2 figure about 500 tons per year improved reporting will
3 give us about 250 curbside recycling, about 3,000 tons
4 commercial recycling. We believe in the first year we can
5 easily gain about a thousand MRF processing. We're aiming
6 for 3,000 tons and transformation about 3,000 because we
7 know we have to meet that, get our numbers up. And that
8 will give us about 9 percent or about nearly 11,000 tons
9 of renewed diversion. For us at the City of Paramount,
10 it's important because we do have so much self-haul it
11 dilutes the effort of the existing hauler or franchise
12 hauler. And of course, we're kind of like battening down
13 the hatches and such to get the maximum amount of
14 material. But we feel we can do that and are looking
15 forward to working with your staff.

16 Thank you very much on behalf of the City of
17 Paramount. If there's any questions.

18 CHAIRPERSON MULÉ: Questions?

19 COMMITTEE MEMBER DANZINGER: No. I don't have
20 any questions. I was -- I think both presentations by
21 staff and the City adequately highlight the opportunities
22 that remain out there to adequately implement the SREE.
23 So I'm ready to move this.

24 CHAIRPERSON MULÉ: I'm just pleased to see that
25 the City is implementing a curbside recycling program. I

1 know, you know, your original estimates were that it would
2 increase your diversion by one percent. But I think it's
3 important to instill those habits in all of your
4 residents, because then they take that to work. The
5 children take it to the school. And you know, it just
6 carries out from there. So I'm pleased to see you're
7 working on that, as well as your commercial. I think
8 you've got opportunity with your commercial diversion as
9 well as your C&D diversion.

10 MR. HULS: Just a side note on that, Madam Chair.
11 The City is taking a look at a variety of different
12 issues. But the educational value of the program I think
13 was probably the most important aspect. Because being a
14 zero waste California, I think the city is in tune with
15 that as well and is looking forward to that challenge.

16 CHAIRPERSON MULÉ: Thank you.

17 COMMITTEE MEMBER DANZINGER: I'll move adoption
18 of Resolution 2007-23.

19 CHAIRPERSON MULÉ: Second.

20 Moved by Board Member Danzinger and seconded by
21 Board Member Mulé.

22 Call the roll.

23 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

24 COMMITTEE MEMBER DANZINGER: Aye.

25 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

1 CHAIRPERSON MULÉ: Aye.

2 And we'll put that on consent.

3 And then our next and final item is Board Agenda
4 Item 12, Committee Item M.

5 MR. REIDHEAD: Once again, good afternoon,
6 Chairperson Mulé and Committee members.

7 Board staff is bringing forward its 2003/2004
8 biennial review findings that the City of Cerritos has
9 failed to adequately implement its diversion programs to
10 meet State diversion requirements of PRC 41780.

11 Board staff has met with City representatives
12 several times in conferring on City programs and staff's
13 biennial review findings. The primary processing facility
14 that handles waste collected from the city was also
15 visited as part of staff's review.

16 The City's 2004 annual report and final time
17 extension update indicate that steps were taken to
18 increase processing and create an Ordinance Development
19 Committee. MRF processing did increase but dropped off in
20 2004. Also a draft ordinance was created but has not yet
21 been approved. Staff's review of diversion data indicates
22 that program enhancements to the residential, commercial,
23 and C&D recovery programs are needed as limited sorting
24 and processing of materials is not providing sufficient
25 recovery to support the City's achievement of diversion

1 requirements. The City's 2003 and 2004 diversion rates
2 are 43 percent and 45 percent respectively.

3 Board staff therefore recommends the Board
4 consider issuing the City a Compliance Order that will
5 require the City to work directly with Board staff to
6 development a Local Assistance Plan that will identify a
7 strategy for program enhancements and local actions
8 necessary to enable the City to achieve diversion
9 requirements.

10 This concludes my presentation. Michael O'Grady,
11 City of Cerritos Environmental Services Manager, is
12 present today to answer any questions. Thank you.

13 CHAIRPERSON MULÉ: Thank you, Edward.

14 Mr. O'Grady, would you like to address the
15 Committee?

16 MR. O'GRADY: Please.

17 CHAIRPERSON MULÉ: Thank you.

18 MR. O'GRADY: Good afternoon, Madam Chair,
19 members of the Committee and the Board. I want to thank
20 you for the opportunity for allowing me to speak with you
21 today and on behalf of the City of Cerritos convey to you
22 we're committed to meeting the 50 percent diversion goal.

23 To that end, the City of Cerritos has already
24 solicited a proposal from its solid waste hauler for a
25 three-bin system. The City currently utilizes a full MRF

1 system. The reason that was put in place is the City of
2 Cerritos believes very strongly in customer service. And
3 so our point of view back when we implemented the original
4 program was we wanted to make sure we were recycling on
5 behalf of our residents to ensure 100 percent
6 participation.

7 Unfortunately, our diversion from that program
8 went from 20 percent in 2002 all the way down to 4 percent
9 in 2004. So obviously we're not happy with that effort,
10 and we're looking for ways to improve the curbside
11 recycling on behalf of our residents.

12 So, again, we have solicited proposals from our
13 waste hauler for a three-barrel system, which will not
14 only give us a green waste program but also improve the
15 diversion that we achieve through our residential
16 recycling.

17 We do also send all of our commercial as well as
18 our roll-off bins to a material recovery facility. And at
19 those facilities, we MRF all of the material coming from
20 those two sources.

21 We believe we may have an issue with self-haul in
22 Cerritos as well. We had 18,000 tons of self-haul in 2003
23 as compared to only 52,000 tons that the hauler hauled.
24 So we suspect that we're getting some tonnage that either
25 may not belong in the city of Cerritos. So what we are

1 looking at doing is extending our C&D policy to cover that
2 self-haul material in addition to the roll-off bins that
3 were hauled by CalMet Services.

4 That concludes my comments. I'd be happy to
5 answer any questions you have as to what further the City
6 of Cerritos is implementing.

7 COMMITTEE MEMBER DANZINGER: I was just curious
8 how you identified that precipitous drop from 20 to 4
9 percent. How does that happen?

10 MR. O'GRADY: We've contacted the waste hauler.
11 What we're being told is there's quite a bit of green
12 waste mixed in with the material being sent to the MRF
13 facility. And consequently they're not achieving the
14 diversion they'd like to.

15 I have visited the facility. And unfortunately
16 it doesn't appear as though we're getting the belt sort
17 that we were at one time at the DART facility. They're
18 simply floor sorting. Implementing the three-barrel
19 system will obviously give us the opportunity to belt sort
20 rather than floor sort.

21 CHAIRPERSON MULÉ: Sure. And reduce your
22 contamination. That's your issue.

23 MR. O'GRADY: Absolutely.

24 CHAIRPERSON MULÉ: Okay. Any other questions?
25 Comments?

1 Do I have a motion?

2 COMMITTEE MEMBER DANZINGER: Move adoption of
3 Resolution 2007-24.

4 CHAIRPERSON MULÉ: Second.

5 We can substitute the previous roll, and we'll
6 put that on consent as well.

7 And if there is no further comment from the
8 public, this meeting is adjourned. Thank you, all.

9 (Thereupon the California Integrated Waste
10 Management Board, Board of Administration
11 Permitting and Enforcement Committee
12 adjourned at 2:08 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 16th day of February, 2007.

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22 TIFFANY C. KRAFT, CSR, RPR

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